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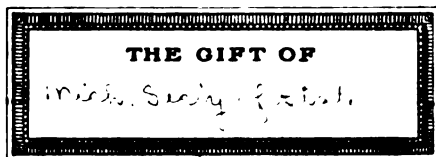
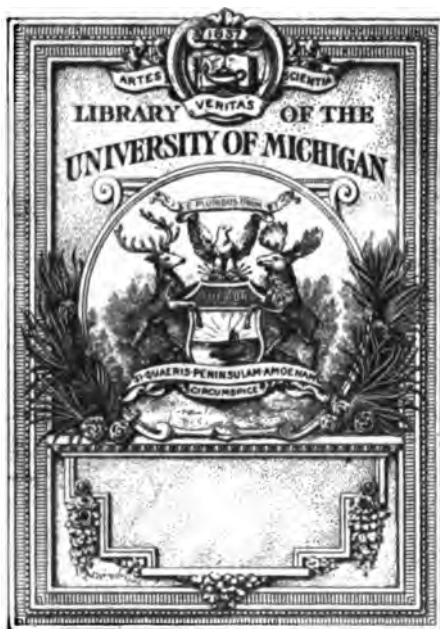
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LOCAL ACTS
OF
THE LEGISLATURE
OF THE

STATE OF MICHIGAN,

PASSED AT THE

REGULAR SESSION OF 1885,

WITH AN APPENDIX.



BY AUTHORITY.

LANSING, MICH.:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
1885.

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[No. 235.]

AN ACT to authorize the county of Saginaw to borrow the sum of one hundred thousand dollars and to issue its bonds therefor for the purpose of paying certain bonds heretofore issued by said county, under authority of act number four of the session laws of eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact*, That the county of Saginaw, by its board of supervisors, is hereby authorized to borrow one hundred thousand dollars and to issue its bonds therefore, as in this act provided, for the purpose of taking up and paying the bonds of said county heretofore issued under and by virtue of the provisions of act number four of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the improvement of the navigation of Saginaw river, and to authorize the county of Saginaw to loan money in aid thereof," approved January twenty-fifth, eighteen hundred and sixty-five.

SEC. 2. Said bonds the issue whereof is authorized by this act shall be issued in sums of one thousand dollars each, be executed in behalf of the county by the chairman and clerk of its board of supervisors, and shall draw such rate of interest not exceeding six per cent per annum, payable semi-annually as the resolution of said board of supervisors authorizing the sale shall direct; and said bonds shall be made payable in sums as follows: Ten thousand dollars in ten years from the date of the issue thereof, and ten thousand dollars in amount each succeeding year thereafter until the whole thereof shall have been made payable.

SEC. 3. Said board of supervisors shall have power to provide for the sale of such bonds, by the appointment of a committee to negotiate the same or otherwise, but such bonds shall not be sold for less than par value, and all moneys received from the sale thereof shall be paid into the county treasury by the purchaser upon the delivery of such bonds and shall be applied by the county treasurer of Saginaw county to the payment of the aforesaid bonds, and interest due thereon, issued under said act number four of the session laws of eighteen hundred and sixty-five, and shall not be used for any other purpose.

Authorized to
borrow money
and issue bonds.

In what sums
issued; by
whom signed;
interest.

Negotiation of;
par value.

How proceeds
applied.

Duty of board
of supervisors
to provide for
payment of.

SEC. 4. It shall be the duty of the board of supervisors of said county of Saginaw to provide by tax upon all of the taxable property of said county for the payment, as the same shall become due, of the principal and interest upon all said bonds that may be issued under the authority of this act.

Secretary of
State, duty of.

SEC. 5. It shall be the duty of the Secretary of State, within five days after the passage of this act and its approval by the Governor, to transmit a certified copy thereof by mail to the county clerk of Saginaw county, and on receipt of such certified copy it shall be the duty of such county clerk forthwith to call a meeting of the board of supervisors of said county to be held within ten days from the date of notice thereof, which notice shall fix the time and

County clerk,
duty of.

Sheriff, duty of.

place of holding such meeting, and shall be served by the sheriff of said county, personally, upon each member of said board, or by leaving the same at his usual place of abode, at least six days before the time therein specified for such meeting. And the members of said board shall receive the same compensation for attending such meeting as is now authorized by existing laws for attending the regular meeting of said board: *Provided*, Such compensation shall not be paid for more than three days' attendance at such meeting.

Compensation
of Board.

Act repealed.

SEC. 6. So much of said act number four of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the improvement of the navigation of Saginaw river, and to authorize the county of Saginaw to loan money in aid thereof," as conflicts with the provisions of this act is hereby repealed.

This act is ordered to take immediate effect.

Approved January 21, 1885.

[No. 236.]

AN ACT to confer power and authority upon the common council of the village of Houghton to purchase and acquire property and to erect all proper and necessary structures in connection therewith, without as well as within the corporate limits of said village, and to hold and maintain the same, for the sole purpose of supplying said village and the inhabitants thereof with water.

Authorized to
acquire and
hold property
for water-works.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Houghton, in the county of Houghton, incorporated by an act of the Legislature, entitled "An act to incorporate the village of Houghton," approved March twenty-eighth, eighteen hundred and sixty-seven, shall have and is hereby given power and authority to purchase and to acquire by the exercise of the right of eminent domain, grounds, rights, privileges, property and materials, and to erect all proper and necessary structures in connection therewith, outside of as well as within the corporate limits of the village, and to hold and maintain the same for the sole purpose of supplying the village and the inhabitants thereof with water, with all the rights, remedies and privileges con-

ferred and subject to the conditions and regulations imposed upon villages and cities in this behalf by the general laws of this State made and provided.

This act is ordered to take immediate effect.

Approved January 23, 1885.

[No. 237.]

AN ACT to authorize "The Oakland County Agricultural Society" to issue bonds and to mortgage its real and personal estate to secure the same.

SECTION 1. *The People of the State of Michigan enact*, That "The Oakland County Agricultural Society" be authorized to issue the bonds of said society in a sum not exceeding seven thousand five hundred dollars in all, and in sums not less than fifty dollars each, with or without coupons, with annual interest not exceeding seven per cent, payable at the office of its treasurer at such times as the board of directors of said society shall by vote direct.

Authorized to bond the society.

SEC. 2. That said bonds shall be signed by the Secretary and countersigned by the President, and none of the same shall be sold or disposed of by said society at less than their par value.

How signed; par value.

SEC. 3. That for the purpose of securing the payment of said bonds and the interest thereon, all the receipts of said society, after the payment of the expenses and premiums, shall be duly and regularly applied to the payment of said interest and principal.

Receipts of the society pledged.

SEC. 4. That for the purpose of further securing the payment of the principal and the interest upon said bonds, the said "Oakland County Agricultural Society" is hereby authorized to mortgage its real estate, property and effects, and also upon obtaining the assent thereof of the city of Pontiac by a resolution of the common council of said city for the same purpose, to mortgage the real estate in said city heretofore and now occupied by said society deeded to said city (then the village of Pontiac) in trust for said society, and said mortgage executed in pursuance of said resolution shall vest in the mortgagee all the right, title, or interest of the said "Oakland County Agricultural Society" and said city of Pontiac to said property either legal or equitable.

Authorized to mortgage.

Assent of the city of Pontiac necessary.

This act is ordered to take immediate effect.

Approved January 23, 1885.

[No. 238.]

AN ACT to authorize the township of Thomastown, in the county of Saginaw, to contract with the State Road Bridge Company for the right for the tax payers of said township to cross said company's bridge free of toll, during the unexpired term of said company's charter, and to raise the necessary money to pay for the use of said bridge.

SECTION 1. *The People of the State of Michigan enact*, That the

Authorized to
bond the town-
ship.

Question to be
submitted to
the people.

Idem.

Form of ballots.

Time bonds to
run and rate of
interest.

Terms and
conditions.

township of Thomastown, in Saginaw county, shall be and is hereby empowered and authorized to borrow money on the faith and credit of said township, and issue bonds therefor, to an amount not exceeding seven thousand five hundred dollars, which shall be expended in procuring the right for the tax payers of said township to cross the bridge of the State Road Bridge Company free of toll during the unexpired term of said company's charter: *Provided*, A majority of the property holding tax-payers of said township being electors therein, and voting on the question of said loan shall vote for such loan in the manner hereinafter specified, and not otherwise.

SEC. 2. The question of raising said money by loan shall be submitted by the township board of said township to the electors thereof qualified as aforesaid, at the next annual election of said township. The ballots used shall be as follows: Those voting in favor of the loan shall have written or printed upon their ballots the words "For the Loan;" those voting against the loan shall have written or printed upon their ballots the words "Against the Loan."

SEC. 3. If such loan shall be authorized by a majority of such electors, as aforesaid, such bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times not exceeding twenty years from such election, with such interest, not exceeding seven per cent per annum, as said township, by its board shall direct, and shall be signed by the supervisor of said township and countersigned by the clerk of said township, and negotiated by or under the control of the said township board; and the money arising therefrom shall be appropriated and expended for the purposes aforesaid, and upon such terms, conditions, and agreements as shall be made between said township and said State Road Bridge Company; and said township, through its board, is hereby authorized to make such agreements with said company as shall protect said town's interests and rights for the purposes hereinbefore mentioned.

This act is ordered to take immediate effect.

Approved January 27, 1885.

[No. 239.]

AN ACT to incorporate the village of West Branch, in Ogemaw county.

Territory incor-
porated.

First election.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: The south half of section nineteen and the north half of section thirty in township number twenty-two north, of range two east, in the township of West Branch, county of Ogemaw and State of Michigan, be and the same is hereby constituted a village corporate to be known as the village of West Branch.

SEC. 2. The first election of officers of said village shall be held at the Town Hall in said township of West Branch on the second Monday of April, in the year of our Lord one thousand eight hun-

dred and eighty-five, due notice of which election shall be given by the board of registration, hereinafter appointed, by posting notices in three public places in said village, ten days before said election, and by causing a copy of said notice to be published in the Ogemaw County Herald, a newspaper printed and published in said village, at least two weeks before said election.

Notice of election.

SEC. 3. Fred M. Briggs, George J. Mallory, and Wilbur M. McCrossen are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election, at the Township Hall aforesaid, and remain in session the same hours required of boards of registration at general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration and by publishing said notice in the Ogemaw County Herald, a newspaper printed and published in said village, two weeks previous to said meeting of said board of registration.

Board of registration.

When and where to meet.

Notice.

SEC. 4. The said village of West Branch shall, in all things not herein otherwise provided, be governed, and its powers and duties defined by an act, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Powers and duties

SEC. 5. In case [the] said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein.

Election may be held at other than the time designated

This act is ordered to take immediate effect.

Approved January 31, 1885.

[No. 240.]

AN ACT to incorporate the village of Fowler, in the county of Clinton.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being situated in the township of Dallas, in the county of Clinton and the State of Michigan, known and described as follows: The northeast quarter of section fourteen, and the northwest quarter of section thirteen, and the southwest quarter of section twelve, and the southeast quarter of section number eleven, township seven north, of range four west, is hereby constituted a village corporate, known and designated as the village of Fowler.

Territory incorporated.

SEC. 2. The first election of officers in said village shall be held on Tuesday, the twenty-fourth day of March, in the year of our Lord eighteen hundred and eighty-five, at the Fowler House, in said village.

First election.

SEC. 3. Ernest Schemer, Frank Gruler, and John F. Connell, are

Board of registration.	hereby constituted a board of registration for the purpose of registering the voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the said twenty-fourth day of March, one thousand eight hundred and eighty-five, to register the names of all persons residents of said village, presenting themselves for registration, having the qualifications of voters at annual township meetings.
Notice of election.	SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least ten days before the time of said election, which notice may be signed by any five legal voters in said village.
Powers and duties.	SEC. 5. The said village of Fowler, in all things not herein otherwise provided, shall be governed by, and its powers and duties defined, by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.
Election may be held at other than the time fixed.	SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act.
	This act is ordered to take immediate effect. Approved January 31, 1885.

[No. 241.]

AN ACT to authorize the township of Taymouth, in Saginaw county, to borrow money to be used in the construction of a bridge, and to issue bonds therefor.

Authorized to borrow money.	SECTION 1. <i>The People of the State of Michigan enact</i> , That the township board of the township of Taymouth, in Saginaw county, be and it is hereby authorized and empowered to borrow, on the faith and credit of said township, a sum not exceeding three thousand dollars for a term not exceeding ten years, at a rate of interest not exceeding eight per centum per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.
If the electors so vote.	SEC. 2. Such money shall not be borrowed, nor' such bonds issued, unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall so determine; and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof, by causing the date, place of voting, and object of said election, to be stated in written notices, and by posting said notices in five public place in said township
Notice.	

not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

SEC. 3. The vote upon such proposition shall be by ballots, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes;" and ballots against the same shall be in the following words: "For the bridge loan—No." And it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other special township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election, said inspectors shall endorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk shall be by him filed with the clerk of said Saginaw county.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of an iron bridge over and across the Flint river on the site now occupied by the Horning bridge, and about thirty rods north of the section line between sections twenty-seven and thirty-four in town ten north, of range five east, and in constructing and grading the approaches thereto, and for no other purpose whatever; and in case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year, but no more than one thousand dollars of such principal shall be made to become due in any one year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond.

This act is ordered to take immediate effect.

Approved January 31, 1885.

Vote by ballot.

Canvass.

Certificate.

How money to be expended.

Duty of supervisor and treasurer.

Amount due in one year.

[No. 242.]

AN ACT to re-incorporate the village of Quincy, in Branch county.

CHAPTER I.

Territory incor-
porated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country within the township of Quincy, in the county [of] Branch, and State of Michigan, known and described as follows, to wit: The southwest quarter ($\frac{1}{4}$), the west half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$), and the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of section number fifteen (15); [the southeast quarter,] the southeast quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$), and the southeast quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section number sixteen (16); the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$), and the north half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section number twenty-one (21) and the north half ($\frac{1}{2}$) of the northwest quarter of section number twenty-two (22), in township number six (6) south, of range number five (5) west, be and the same is hereby re-incorporated as the village of Quincy.

Officers to con-
tinue in office.

SEC. 2. The officers in said village, now in office, shall continue therein, with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected pursuant to the provisions of this act, and the general law relating to villages, entitled "An act granting and defining the powers and the duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and the laws supplementary and amendatory thereto.

Ordinances to
continue in
force.

SEC. 3. All existing ordinances and resolutions of said village of Quincy, shall continue in force, until repealed by the common council of said village.

First election.

SEC. 4. The first election of officers, under the provisions of this act, shall be held at the village hall, in said village of Quincy, on the second Monday in March, in the year of our Lord one thousand eight hundred and eighty-five. The polls shall be opened at the time, and the said election shall be held and conducted in all respects as provided for in the general act for the incorporation of villages, and the village president, recorder, and one acting trustee, to be named by the common council, shall be the village board of registration for the present year, and shall act as such board in the manner and at the time and place directed, and the legal voters of said village shall be registered, as provided for by said act for the incorporation of villages, referred to in section two of this act.

Board of regis-
tration.Notice of elec-
tion.

SEC. 5. Notice of the time and place of holding the first election, as provided for in the preceding section, shall be given by the present village recorder, in said village, in the same manner as is directed for the giving of said notice by the village clerk, in section four (4), of chapter three (3), of said general act for the incorporation of villages, and referred to in section two of this act.

Officers to be
elected.

SEC. 6. At such first election shall be chosen by ballot by a plurality of all the votes cast, one president, six trustees, one assessor, one treasurer, one clerk, one street commissioner, one marshal, and

one constable; three of the trustees so elected shall be chosen for the term of two years, and the other officers hereinbefore named in this section shall be chosen for the term of one year, and at each succeeding annual election thereafter to be held in said village under the provisions of this act and under the said general act for the incorporation of villages referred to in section two of this act, there shall be elected one president, one assessor, one treasurer, one clerk, one street commissioner, one marshal, and one constable for the term of one year, and three trustees for the term of two years, and all of which officers shall continue in office until their successors are duly elected or appointed according to law, and have qualified.

SEC. 7. All rights of action which may have accrued to said village as heretofore incorporated, and all property, both real and personal, belonging to the same shall survive and belong to, and may be enforced and disposed of by the village corporate created by this act, and all liabilities of said previously existing village corporate shall be assessed and paid by the village created by this act. Rights of action survive.

SEC. 8. The village council shall have power to ordain and establish by-laws, rules, regulations, and to pass such ordinances, and the same amend, modify, alter, or repeal at pleasure, for the following purposes: By-laws.

First, To restrain and prevent vice and immorality;

Second, To punish vagrants, disorderly persons, and common prostitutes;

Third, To regulate the sprinkling of the streets in said village, to appoint a suitable person or persons to perform such services and to prohibit others from doing the same;

Fourth, To prohibit and suppress disorderly and gaming houses;

Fifth, To regulate, license, tax, or prohibit and suppress billiard tables, ball-alleys, pin-alleys, bagatelles, pigeon-hole, or any other tables or implements kept or used for a similar purpose, for or without hire, gain, or reward;

Sixth, To suppress gaming and games partly or wholly of chance;

Seventh, To suppress or regulate saloons engaged in selling spirituous, malt, brewed, fermented, or any kind of intoxicating liquors;

Eighth, To license taverns and eating-houses;

Ninth, To regulate and license public shows and exhibitions;

Tenth, To license auctioneers, license and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law;

Eleventh, To license and regulate hacks or [and] other public vehicles;

Twelfth, To provide for and regulate the inspection of provisions, firewood, and hay, on the public market;

Thirteenth, To provide for the inspection of weights and measures;

Fourteenth, To regulate or prohibit the selling, storing or transportation of combustible or explosive substances or materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in said village;

By-laws.

Fifteenth, To purchase, improve, and regulate cemeteries;

Sixteenth, For the organization and regulation of a fire department, and for the prevention and extinguishing [extinguishment] of fires;

Seventeenth, To prescribe and establish limits within said village within which no wooden building or structures shall be erected, placed or enlarged, and within which districts the common council shall have power to direct the manner of constructing all buildings with respect to protection against fire, and the material and of which the outer walls and roof shall be constructed;

Eighteenth, To regulate the setting and pruning of shade and ornamental trees when set in or overhanging the public streets, alleys, or public grounds, and provide for the protection of the same;

Nineteenth, To regulate or prohibit the setting of hitching posts in the public streets, alleys, and public grounds of said village, or cause the same to be removed;

Twentieth, To provide for and regulate the keeping of pounds for the impounding of animals of any kind and prevent the running at large of all kinds of poultry;

Twenty-first, To prevent the running at large of dogs; to require them to be muzzled at and for any stated time, or authorize their destruction if found running at large in violation of any ordinance of said village;

Twenty-second, To prohibit, prevent, and suppress all lotteries for drawing or disposing of money, property, or valuable thing whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, direction or management thereof;

Twenty-third, To prohibit, prevent, abate, or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow chandler shop, butcher shop, soap factory, tannery, stable, privy, hog pen, sewer, cellar, or other offensive house, building, or place to cleanse, remove, or abate the same from time to time, when and as often as they may deem necessary for the health, comfort, and convenience of said village;

Twenty-fourth, To prevent the carrying of revolvers, pistol, dirks, daggers, and other dangerous instruments upon the person as concealed weapons or in a concealed manner. To prevent the discharge of fire arms and to regulate or prohibit the discharge of fire-works within the village;

Twenty-fifth, To require that horses or other animals attached to any vehicle or standing in any of the streets, lanes, alleys, or public grounds or places in said village be securely fastened, held, or watched, and to prevent and punish horse-racing and immoderate driving or riding in any street, lane, or alley, and to authorize the immediate stopping and detaining any person who shall be guilty of any immoderate riding or driving in any street, lane, or alley in said village;

Twenty-sixth, To prescribe the length of time that railroad engines or cars may stand upon the streets of said village or otherwise

obstruct them, or to prohibit the same, and to make such other *Idem.* rules or regulations concerning the same as to secure the safety of the citizens or other persons;

Twenty-seventh, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said village, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, builder, or workman violating this provision, not exceeding one hundred dollars and costs;

Twenty-eighth, To establish, regulate, and preserve public reservoirs, wells, and pumps, to construct reservoirs and wells, and to provide water and water-works for the extinguishment of fires and for other purposes;

Twentieth-ninth, To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp posts; to prohibit all practices, amusements, and doings in said streets, lanes, alleys, public places, parks, and grounds, having a tendency to frighten teams and horses, or dangerous to life, limb, or property;

Thirtieth, To provide for and purchase public parks and squares, make, grade, improve, and adorn the same, and all grounds in said village, belonging to or under the control of said village, and to control and regulate the same, consistently with the purposes and objects thereof;

Thirty-first, To prohibit and prevent in the streets, or elsewhere in said village, any lewd or lascivious behavior, or indecent exposure of the person;

Thirty-second, To prohibit and prevent the show, sale, or exhibition for sale, of indecent and obscene pictures, drawings, engravings, paintings, books, or devices, or any written or printed paper, or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous, or defamatory matter, and all indecent or obscene exhibitions and shows of any kind;

Thirty-third, To prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Thirty-fourth, To secure said village and its inhabitants, by the appointment of special police, or by any other means by them deemed necessary, against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace;

Thirty-fifth, To offer and pay rewards for the apprehension and arrest of those who may be guilty of offenses committed in said village against the ordinances thereof or against the laws of the State of Michigan;

Thirty-sixth, To regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and putting up of stoves, stovepipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the intentional burning out of chimneys and chimney-flues; to compel and regulate the cleaning thereof and to fix the fees therefor; to compel and regulate the construction of ash-houses and depositories for ashes; to authorize and empower the proper officers to enter

By-laws.

into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition, and to punish any person for neglecting so to do.

Thirty-seventh, To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind ;

Thirty-eighth, To enact all ordinances and make all such regulations not in violation of the constitution and general laws of the State, as may be necessary for the safety and good government of the village and the general welfare of its inhabitants, and to carry out and put in force all the provisions of this act and the powers conferred upon said village of Quincy.

SEC. 9. The said village of Quincy, in all things not herein and and otherwise provided for, shall be governed and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto, and all the provisions thereof, not inconsistent with the provisions herein contained, shall be deemed supplementary to this act for the government of said village.

This act is ordered to take immediate effect.

Approved February 16, 1885.

[No. 243.]

AN ACT to authorize the county of Presque Isle to issue bonds and [to] provide for the retirement of bonds heretofore issued.

Authorized to bond.

SECTION 1. *The People of the State of Michigan enact*, That the county of Presque Isle, by its board of supervisors, is hereby authorized and empowered to issue bonds upon the faith and credit of said county, and to provide for the payment of the same by tax upon such county.

Amount and size of bonds and by whom issued.

SEC. 2. Said bonds, the issue of which are hereby authorized by this act, shall be issued in sums of one thousand dollars each, to be issued in behalf of such county by the chairman of said board of supervisors and the treasurer of such county. They shall draw interest at a rate not exceeding seven per cent per annum, payable annually and shall be payable at the office of the county treasurer, or at such place or places as said board shall direct. They shall not exceed in the aggregate the sum of twenty thousand dollars nor shall any of them run a greater length of time than twenty years from the date of their issue.

Exchange of bonds.

SEC. 3. Bonds issued pursuant to this act may be exchanged at their par value for the outstanding bonds of such county or, under the directions of such board of supervisors, be sold at not less than their par value, and it shall be the duty of such county treasurer to

apply such bonds so issued and the proceeds thereof to the payment and retiring of the outstanding bonds of such county and the interest due thereon and to no other purpose.

SEC. 4. It shall be the duty of the board of supervisors of Presque Isle county to provide by tax upon all of the taxable property of said county for the payment, as the same shall become due, of the principal and interest upon all bonds issued under the authority of this act.

Duty of the Board of Supervisors.

This act is ordered to take immediate effect.

Approved February 16, 1885.

[No. 244.]

AN ACT to incorporate the village of Harrison, in Clare county.

SECTION 1. *The People of the State of Michigan enact*, That all that territory situated [situate] and being in the township of Hayes, in the county of Clare, and State of Michigan, and described as follows, to wit: Entire sections twenty (20), twenty-one (21), twenty-eight (28), and twenty-nine (29), in township nineteen (19) north, of range four (4) west, be and the same is hereby constituted a village corporate, to be known as the village of Harrison.

Territory incorporated.

SEC. 2. The first election of officers of said village shall be held on the first Monday of March, in the year one thousand eight hundred and eighty-five, at the circuit court room in said village, notice of which shall be posted in three of the most public places in said village, at least ten days before the time of said election, which notice shall be signed by five freeholders in said village.

First election.

SEC. 3. William W. Green, John Quinn, and Farwell A. Wilson are hereby constituted a board of registration, for the purpose of registering the names of voters for the first election to be held in said village, and said board of registration are hereby required to meet at the court room, in said village, on the Saturday preceding the first Monday of March, one thousand eight hundred and eighty-five, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings, notice of which meeting shall be posted in three of the most public places in said village, at least ten days before said meeting, and shall be signed by said board of registration.

Board of registration.

Notice of meeting.

SEC. 4. The said village of Harrison shall, in all things not herein otherwise provided, be governed and its powers and duties be defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and amendments thereto.

Powers and duties.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in section two of this act, on notice being given as provided in said section two.

Election may be held at other than time appointed.

This act is ordered to take immediate effect.

Approved February 17, 1885.

[No. 245.]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to incorporate the city of Marquette,'" as theretofore amended, as recited in the title of the act hereby amended, which was approved March ten, eighteen hundred and seventy-five, so as to provide for five wards in said city.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of chapter one of an act entitled "An act to incorporate the city of Marquette," approved February twenty-seven, eighteen hundred and seventy-one, as amended by said act approved March ten, eighteen hundred and seventy-five, be amended so as to read as follows:

CHAPTER I.

Wards, territory
contained there-
in.

SECTION 3. The said city shall be divided into five wards, as follows: The first ward shall embrace all that portion of said city lying south of a line drawn from the shore of Lake Superior westwardly, along the center of Fisher street to the western boundary of said city; the second ward shall embrace all that portion of said city lying between last mentioned line and a line drawn from said lake shore westwardly along the line of the Marquette, Houghton & Ontonagon railroad, from said railroad company's merchandise pier to said western boundary; [the] third ward shall embrace all that portion of said city lying north of said line of said railroad and east of the center of Front street from said railroad track to the northern boundary of said city; the fourth ward shall embrace all that portion of said city lying west of Front street and between said railroad track and Ridge street; the fifth ward shall embrace all the remaining portion of said city lying north of Ridge street and west of Front street.

This act is ordered to take immediate effect.

Approved February 17, 1885.

[No. 246.]

AN ACT to re-incorporate the village of Coopersville and to repeal act two hundred eight of the session laws of eighteen hundred and seventy-one, relative to the incorporation of said village, and all acts amendatory thereto.

Territory incor-
porated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the township of Polkton, in the county of Ottawa, and distinguished and designated as the southeast quarter of section twenty-three, the south half of the northeast quarter of section twenty-three, the east one-half of the southwest quarter of section twenty-three, the southeast quarter of the northwest quarter of section twenty-three, the west one-half of the southwest quarter of section twenty-four, the southwest quarter of the northwest quarter of section twenty-four, the northwest quarter of

the northwest quarter of section twenty-five, the north one-half of the northeast quarter of section twenty-six, and the northeast quarter of the northwest quarter of section twenty-six, all in town eight north, of range fourteen west, be and the same is hereby organized and re-incorporated as a body corporate, under the name of "The village of Coopersville," and subject to and under the provisions of the general act for the incorporation of villages, being act number sixty-two of the session laws of eighteen hundred and seventy-five, and such amendments as may have been and may be made thereto, except as hereinafter provided.

SEC. 2. All the by-laws and ordinances of said village, now in force, are continued in force that are not contrary to the provisions of said general act of incorporation. By-laws and ordinances.

SEC. 3. The first election in said village under this act shall be held on Thursday, the second day of April, eighteen hundred eighty-five, at such place in said village as the common council shall designate, and said election shall be held and conducted by the present officers of said village, subject to the provisions of said general act, and all the present officers of said village shall continue in office and hold the same until the time of said election subject to the provisions of said general act. First election.

SEC. 4. Said re-incorporated village shall possess all the rights and property, and be subject to the liabilities and obligations of the village as heretofore incorporated, subject to such general act, and all actions and causes of actions, either for or against said village, at the time of this re-incorporation, accrued or to accrue, are hereby saved as fully as though this act had not passed. Powers and liabilities.

SEC. 5. Act number two hundred and eight of the session laws of eighteen hundred seventy-one and all acts amendatory thereof, are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved February 17, 1885.

[No. 247.]

• AN ACT to legalize the assessment roll of the township of Watertown, in the county of Clinton, for the year eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact*, That the assessment roll for the township of Watertown, county of Clinton, and the taxes levied thereunder for the year eighteen hundred and seventy-nine, be and the same are hereby legalized, and the taxes assessed upon such roll for the year eighteen hundred and seventy-nine, and the collection thereof by the treasurer of said township of Watertown, and all proceedings had and taken by said township treasurer in the collection thereof, be and the same are hereby legalized, and that the said assessment roll and the acts of the township treasurer thereunder and by virtue thereof, are hereby declared to be as valid as though the proceedings heretofore had were as regular in every particular as if the certificate of the Assessment legalized.

supervisor to said assessment roll had contained the words, "and not at the price it would sell for at a forced or auction sale:"

Proviso. *Provided*, That this act shall not be construed to legalize any tax titles.

This act is ordered to take immediate effect.

Approved February 18, 1885.

[No. 248.]

AN ACT to authorize the village of Howell, in the county of Livingston, to raise money to make public improvements in said village.

Authorized to bond the village.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Howell, in the county of Livingston, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not exceeding twenty thousand dollars, which shall be expended in making public improvements in said village of Howell: *Provided*, That a majority of the electors of said village voting at an election to be called in compliance with the provisions of this act, shall vote in favor of such loan in the manner specified in this act, and not otherwise.

Proviso.

To be submitted to a vote of the electors.

SEC. 2. The question of raising said money by loan shall be submitted by the common council of said village to the electors thereof, and the votes [vote] shall be taken as near as may be in accordance with the provisions of an act entitled "An act to incorporate the village of Howell," approved May fourteenth, eighteen hundred and sixty-three, and the acts amendatory thereto. The common council shall have power to order a special election when it may, by said common council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within said village, except that those electors voting for said loan shall have written or printed on their ballots the words "For the Loan," and those voting against the loan shall have written or printed on their ballots the words, "Against the Loan."

Special election.

Ballots.

Bonds, amount, interest, how signed and by whom negotiated.

SEC. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding six per centum per annum, as the said common council shall direct, and shall be signed by the president of said village and countersigned by the recorder of said village, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the

amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved February 25, 1885.

[No. 249.]

AN ACT to extend the time for the collection of taxes in the city of Kalamazoo, in the county of Kalamazoo, for the year eighteen hundred eighty-four.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the city of Kalamazoo, for the year eighteen hundred eighty-four, be and the same is hereby extended up to and including March twentieth, eighteen hundred and eighty-five. Time for the collection of taxes extended.

SEC. 2. The treasurer of such city is hereby authorized and empowered to proceed and collect said taxes, as fully as he could in the life-time of his warrant, and to make return at any time before the twenty-first day of March next, and said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the twenty-first day of March next. Treasurer authorized to collect. Warrant remains in force.

SEC. 3. It shall be the duty of the treasurer of said city, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county. Treasurer to pay over all money and renew bond.

SEC. 4. A transcript of all unpaid taxes returnable to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time as other taxes for the year eighteen hundred and eighty-five, duly returned to the Auditor General for non-payment. Transcript of taxes to be returned to the Auditor General.

This act is ordered to take immediate effect.

Approved February 25, 1885.

[No. 250.]

AN ACT to re-incorporate the village of Sand Lake, in the county of Kent, and to repeal all acts and proceedings relating to its former incorporation.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the township of Nelson, in the county of Kent, and distinguished and designated on the plat in the land office of the district as the north half ($\frac{1}{2}$) of section five (5) and the west half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$) of section four (4) in township ten (10) north, of range ten (10) west, be and the Territory incorporated.

same is hereby constituted a village corporate, to be known by the name of the village of Sand Lake.

Officers to be elected.

SEC. 2. The following officers of the corporation shall be elected by the qualified voters of said village, at the annual village election to be held on the first Tuesday of March, eighteen hundred eighty-five: One president, one treasurer, and one assessor, for the term of one year, and six trustees; three of said trustees shall be elected for one year and three of said trustees shall be elected for two years, and annually thereafter, on the first Tuesday of March, there shall be elected by a plurality of votes, one president, one treasurer, and one assessor, who shall hold their respective offices one year, and until their successors shall be elected and qualified, and three trustees for the term of two years, and until their successors shall be elected and qualified: *Provided*, That if any election of such officers shall not be made on the first Tuesday of March it shall be lawful to hold such election at any time by giving notice thereof as provided in this act.

Proviso.

President and trustees.

SEC. 3. The president and trustees of said village shall be a body corporate and politic, under the name of the "common council of the village of Sand Lake," and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all the courts of competent jurisdiction, and they may have a common seal and may alter and change the same, and by the same name are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for said village.

Officers to be appointed.

SEC. 4. The common council shall appoint annually a village clerk, a village attorney, and a village marshal; the common council may also appoint an overseer or overseers of highways, and all such officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties, but any such appointment shall be made at a regular meeting of the common council.

Officers must be electors, etc.

SEC. 5. No person shall be elected to any office created by this act, unless at the time of such election or appointment he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment.

Oath of office.

SEC. 6. All officers elected under the provisions of this act, and all officers appointed by the common council, shall within ten days [after] notice of their election or appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, and file the same with the village clerk, and every such officer before he enters upon the duties of his office and within the time limited for filing his official oath, shall file with the village clerk such security for the due performance of the duties of his office as may be required by law or by any order of the common council to be approved by the common council.

Security.

SEC. 7. All officers elected or appointed in pursuance of this act,

shall enter upon the duties of their office immediately upon filing the required oath and security. All officers elected to fill vacancy shall hold for the residue of the unexpired term thereof and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year, or until the same expires by its term of appointment, or until the common council revoke their appointment or accept the resignation of such officer.

Officers enter upon duties of office when and hold how long.

SEC. 8. The president and trustees shall each receive for services rendered by them as inspectors of elections, and when determining what persons are elected to office, as provided in section eighteen, such compensation as shall be allowed by law to inspectors of elections in the several townships of this State, but for all other services rendered by them they shall receive no compensation. The clerk, assessor, and all officers appointed by the common council shall each receive such compensation for their services as the common council shall from time to time direct by resolutions entered upon their records.

Compensation of certain officers.

SEC. 9. The common council shall have power to remove from office, the marshal and any officer appointed by them, for any violations of the provisions of this act, or [of] any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer or his sureties from any liability incurred, but the cause thereof shall be entered at length upon the record of said village.

Removal from office.

SEC. 10. The resignation of any officer authorized by this act to be elected or appointed, shall be made to the common council subject to their approval or acceptance.

Resignation, to whom made.

SEC. 11. If any officer elected or appointed to any of the offices of the corporation shall cease to be a resident of the village, such office shall be thereby vacated, and if any persons elected or appointed to any office under the provisions of this act shall neglect to file their oath of office as in this act directed, or shall neglect to file an official bond, when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve and in case of such neglect the common council may proceed immediately to cause such office to be supplied as in case of vacancy.

Office deemed to be vacant when.

SEC. 12. In case a vacancy shall occur in the office of president or trustee, the same shall be supplied by a special election, and in all other cases of vacancy, the same may be supplied by appointment of the common council.

Vacancy to be filled by election or appointment when.

SEC. 13. The inhabitants of this said village, being electors under the constitution of the State of Michigan, [and no others,] shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village," instead of "township," being used in the oath.

Qualified electors, form of oath.

SEC. 14. The annual election shall be held on the first Tuesday of March, in each year, and special elections may be held at such

Annual and special elections.

times as the common council shall, by resolution entered upon their records, designate.

Notice of.

SEC. 15. Notice of the time and place of holding any election, shall be given by the village clerk, ten days before such election, by posting such notices in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notices shall set forth the purposes and object of the election as fully as the same is set forth in the resolution appointing such election; and on the day of election held by virtue of this act, the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall continue open until four o'clock in the afternoon of the same day.

Polls open at what hour.

Board of inspectors and clerk of election.

SEC. 16. The common council of said village, or any three members thereof, shall be the board of inspectors of election, and the clerk of said [village] shall be the clerk of such board. If the clerk be absent, then any one of the trustees may act as clerk.

Election, how conducted.

SEC. 17. Elections held in pursuance of the provisions of this act, shall be conducted, as nearly as may be, in the same manner as is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided, and the inspectors shall have the same powers and authority for the preservation of order during the time of holding the election and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State.

Powers of inspectors.

Duties of inspectors of election.

SEC. 18. It shall be sufficient to keep but one poll-list, at any election held for said village, and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon publicly declare the result thereof, and certify in writing the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the clerk of said village, before two o'clock in the afternoon of the next day after said election, together with the poll-list and box or boxes containing all the ballots cast at said election, and within twenty-four hours after such certificate shall have been so filed, the common council shall convene at their usual place of meeting, and there determine what persons are elected to the several offices respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen, by reason of two or more candidates having received an equal number of votes, the common council shall determine by lot which of such persons shall be considered elected.

Duties of common council in determining persons elected.

Duty of county clerk to notify person elected.

SEC. 19. It shall be the duty of the village clerk, within five days after the meeting and determination of the common council, as provided in section eighteen, to notify each person elected of his election, and also within five days after the common council shall appoint any person to any office, the clerk shall notify such person of such appointment.

Expense of election.

SEC. 20. The expenses of all elections to be held as provided by this act shall be chargeable to said village, and paid as [are] other contingent expenses.

SEC. 21. Each and all of the officers of said village, including firemen and officers of the fire department and such other officers and agents as may be appointed by the common council, shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by virtue of any ordinance of said village, or by any order or resolution of the common council.

Duties of officers.

SEC. 22. It shall be the duty of the president to preside at all meetings of the common council and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of the village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council to be observed and executed, and to exercise supervision and control over the conduct of all such officers as may be appointed or removed by the common council, and to examine all complaints against them for neglect of duty, to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved upon by them, and in general to maintain the peace and good order and advance the prosperity of the village; and whenever in his opinion the peace and safety of the inhabitants of the village require it, he may any time appoint one or more policemen or watchmen, who shall be conservators of the peace and who shall have the same power to make arrests and suppress disturbances as [is] conferred by this act upon the village marshal.

Duties of the president.

SEC. 23. It shall be the duty of every trustee in said village to preside at election when necessary to attend the regular and special meetings of the common council, to vote upon all motions to act upon committees when thereupon appointed by the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village.

Duties of trustees.

SEC. 24. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid by said village, or to become surety for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act.

Common council, members of cannot hold other office, or be surety.

SEC. 25. The village clerk shall safely keep the corporate seal and the books, papers, and files belonging to said village, and shall make a record of all the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council certified by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account in books provided for such purpose, under appropriate heads, of all expendi-

Duties of clerk.

Certified copies.

- tures and of all orders drawn upon the village treasury, which account shall specify the purpose for which such order was drawn: *Provided*, That in any case the clerk shall be absent from any meeting of the common council, or shall resign or become incapacitated from whatsoever cause to perform the duties of that office, the common council may appoint one of their number for the time being to act as clerk without compensation.
- Proviso.**
- Duties of treasurer.** SEC. 26. The village treasurer shall have the custody of all moneys belonging to said village and shall keep an account of all receipts and disbursements thereof and from whom received and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the clerk and countersigned by the president; and [he] shall exhibit to the common council as often and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also, when so required, exhibit a general statement showing the financial condition of the treasury and all other matters relating to his office.
- Powers and duties of marshal.** SEC. 27. The village marshal shall be chief of the police of the village and shall see that the laws are enforced; it shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by law on constables elected in townships. He shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace or offending any of the provisions of this act or the by-laws and ordinances of the village, and may apprehend and imprison any person found drunk in the streets of said village until such person shall become sober; and he shall have power to enter into any disorderly or gambling house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, or where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance in the discharge of such duties of any of the citizens of said village if deemed by him necessary, and shall bring such person or persons before any court or judicial officer having competent jurisdiction to be proceeded with according to law: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.
- Proviso.**
- Common council composed of whom. Quorum.** SEC. 28. The president and trustees when assembled and duly organized shall constitute the common council of the village of Sand Lake, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time, and may compel the attendance of absent members; but no tax or assessment shall be ordered, nor any appointment of any person be made, nor shall any person be removed from office, except by a two-thirds vote of the members of the common council.
- Two-thirds vote.**
- Time and place of meeting.** SEC. 29. The common council shall meet at such time and place as it shall determine, and at such other time and place as the president, or in case of his absence, the president *pro tempore* shall

appoint and designate. The common council shall have power to impose, levy, and collect such fines as it may deem proper for the non-attendance of any of the officers [and members thereof at its meetings, and also require the attendance of any of the officers] of said village at any of its meetings and to impose fines for non-attendance. The common council shall, at its first meeting after each annual election, appoint one of the trustees to be president *pro tempore* of the common council, and if at any meeting of the common council neither the president nor president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Power of.

President pro tempore.

SEC. 30. In the proceedings of the common council each member present shall have one vote, and when there shall be a tie the president shall give the casting vote, whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting shall be entered at large in the minutes, and such votes shall be so entered in relation to the adoption of any resolution or ordinance, report of a committee or act for taxing or assessing any property in said village.

Each member has one vote.

In case of a tie.

Votes to be entered at large.

SEC. 31. The common council shall prescribe the rules for its proceedings. The common council in addition to the powers and duties specially conferred upon them in this act, shall have the management, control, and supervision of the highways, streets, bridges, lanes, parks, and public grounds in said village; of the finances, rights and interests, buildings and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws and regulations as they may deem desirable and proper within said village in relation to and for the following purposes:

Common council to prescribe its own rules, additional powers and duties of.

Ordinances and by-laws.

First, To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places;

Second, To suppress and restrain all disorderly houses and houses of ill-fame, all gambling house, and all houses and places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain or suppress billiard tables and bowling alleys;

Third, To prevent the selling or giving away any spirituous or fermented liquors;

Fourth, To prohibit and regulate the sale of all goods, wares, and personal property at auction, except in case of sales authorized by law;

Fifth, To license and regulate auctioneers, peddlers, and pawn-brokers, and auction, and hawking, and peddling, and sale of goods, jewelry, merchandise, and other property by hand, and hand cart, or show-case;

Ordinances and
by-laws.

Sixth, To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money, and to charge such sum therefor as they by ordinance or by-law provide;

Seventh, To prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days;

Eighth, To prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy removal or abatement by the marshal of the village at the expense of the persons creating the same;

Ninth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, fish house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same whenever the common council shall deem it necessary for the health, comfort, and convenience of the inhabitants of said village;

Tenth, To direct the location and regulation of all slaughter houses in said village, and to prohibit their location in said village;

Eleventh, To regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations which the common council may deem dangerous or injurious in such places and parts of said village as the common council may designate;

Twelfth, To regulate the buying and selling and using of gun-powder, fire crackers, and fire works, and other combustible materials; to regulate and prohibit the exhibition of fire works, and the discharge of fire crackers and fire arms, and to restrain the making or lighting of fires in the streets and other open spaces in said village;

Thirteenth, To prevent the encumbering or obstruction of streets, sidewalks, crosswalks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalk in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance and obstruction;

Fourteenth, To regulate and require the setting and securing of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching-posts in the streets, lanes, and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same;

Fifteenth, To provide against horse-racing and immoderate riding ^{Idem.} or driving, in any street or over any bridge, and to punish for the same, and to authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving;

Sixteenth, To regulate the speed of locomotives, engines, and cars upon the [said] roads within said village;

Seventeenth, To regulate and prohibit bathing in the public waters within said village;

Eighteenth, To establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and geese or other poultry in the streets and public places of said village, and to authorize the taking up, impounding, and sale of the same for the penalty incurred and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid;

Nineteenth, To regulate the ringing of bells, and the crying of goods, and to prevent disturbing noises, and obscene and profane language in the streets;

Twentieth, To provide for the lighting of streets and alleys, and the protection of the public lamps;

Twenty-first, To impose taxes on the owners and keepers of dogs, and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction whenever running at large in violation of any ordinance of said village;

Twenty-second, To provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tomb-stones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village;

Twenty-third, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said village, and to compel such building to be erected upon such line by fine upon the owners thereof, not exceeding five hundred dollars for each offense;

Twenty-fourth, To establish, order, and regulate markets; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village;

Twenty-fifth, To license all drays, omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire and prohibit their use without license, and to designate the stand for such vehicle, and to prescribe the rates of fare and charges for the same;

Twenty-sixth, To establish fire districts within which no wooden buildings shall be moved, built, or enlarged;

Twenty-seventh, To regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves and stove-pipes, and other things that may be deemed dangerous in causing or promoting fire, and to make all such ordinances, by-laws, and regulations as the common council shall deem neces-

Ordinances and
by-laws.

sary to secure the buildings and property in said village against injuries by fire, and for the promotion and suppression of fire, and for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any one of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the occupants or owner of the building in which the same may be; and every building or structure that shall be constructed, moved, or enlarged in violation of or contrary to any ordinance of said village is hereby declared to be a common nuisance and may be abated, taken down, and removed by direction of the common council at the expense of the owner or occupant or person who caused such nuisance;

Twenty-eighth. To prohibit the maintaining of lumber yards, the keeping, piling, and storing of firewood, timber, lumber, or other easily combustible material within the limits of any fire district;

Twenty-ninth. To construct reservoirs wherever needed and to provide for the supplying of the same with water; to build bridges, construct sewers, drains, and culverts; to provide wells, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, and public grounds and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, or public ground or place in said village; to fill up, drain, cleanse, and regulate any grounds, yards, basins, cellars, or vaults within said village that may be sunken, damp, foul, encumbered with rubbish or unwholesome matter, and to make such other public improvements as may conduce to the general good and prosperity of said village or any part thereof, and generally to adopt all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village.

To lay out
streets, etc.

SEC. 32. The common council shall have power and authority to lay out, establish, open, widen, extend, straighten, alter, close, vacate, and improve such streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks in said village, as they may deem necessary for the public good and convenience.

To levy special
tax.

SEC. 33. The common council shall, upon petition of a majority of property owners, and after written or printed notice served on all property owners to be affected thereby, if residents of said village, have power to assess, levy at any time, by a special tax, the expense of making, grading, paving, opening, and repairing streets, lanes, and alleys, and of putting curb stones and culverts therein; of draining low lands, or making drains and sewers, and other public improvements, on lots, premises, and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers, or other improvements, and upon other lots and premises, which, in the opinion of the common council, are benefited

thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting any such tax, which shall be exclusive of and in addition to any general tax, and shall be and remain a lien upon the land until paid; and if not paid, the said land may be sold therefor in the same manner as for ordinary village tax.

SEC. 34. Whenever the common council shall deem it necessary, they may, by ordinance, resolution, or otherwise, require the owners and occupants, or either, of land in said village, or any specified part thereof, to construct, repair, maintain, and reconstruct sidewalks, pavements, and other street improvements in any street, lane or alley adjoining their respective lots or premises, to the middle of such street, lane, or alley, in such manner, or with such material as the common council, by ordinance, resolution, or otherwise, may direct; but with reference to paving, this shall apply only to streets that are graded, and when enforced for the purpose of paving any such streets outside the sidewalks, on such streets the paving may be done at the public expense; or, if assessed upon the property adjoining that portion of said streets ordered to be paved, said property assessed for paving may be exempted from further taxes thereafter, for highway purposes, in the discretion of the common council, and if the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served, or published, as the common council may direct by ordinance, resolution, or otherwise, shall fail to construct, repair, maintain, and reconstruct any sidewalk or pavement, or other street improvement, or to plank any street, or to clear away any snow, or ice, or other obstruction, from any sidewalk adjoining to such lot or premises, within such time, and with such materials, and in such manner as the common council may direct, by ordinance or resolution, the common council may cause the same to be done at the expense of the village, and such expense shall be deemed to be a special assessment upon such lots or premises, and the common council may add the same to the amount of the general village tax on such lot or premises in the tax-roll next thereafter to be made, and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid, the land may be sold therefor in the same manner as for ordinary village taxes.

To construct
sidewalks, pave-
ments, etc.

SEC. 35. The common council shall have power and authority to raise annually by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the power hereby conferred upon them; and they shall, on or before the first day of May in each year, determine by resolution the amount of taxes necessary to be levied for said purposes during the year: *Provided*, That the taxes so determined to be levied shall not exceed in any one year the sum of two thousand dollars unless the qualified electors of said village shall determine at the annual village election to increase that amount by

Expenses of the
village paid by
general tax.

Provido.

a majority vote of all the qualified electors, and the vote may be taken *viva voce* or otherwise, as the common council of said village may determine and direct; which amount so determined to be levied shall be exclusive of and in addition to any taxes which may be levied by virtue of any provisions in this act as a special assessment for public or local improvements, and every tax lawfully imposed by the common council upon lands, tenements, and hereditaments in said village shall be and remain a lien upon such lands, tenements, and hereditaments, until the same shall be paid.

Poll-tax.

SEC. 36. The common council shall have power to assess and collect from every male inhabitant of said village, being over the age of twenty-one and under fifty years (except paupers, idiots, lunatics, and other persons who are by law exempt), an annual capitation or poll-tax, not exceeding one dollar, and may provide by ordinance for the collection of the same.

Assessment roll, when to be made, what to contain.

SEC. 37. The assessor of said village shall, once in each year, between the third Monday of March and the second Monday of April, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a capitation or poll-tax as provided for in this act, and shall estimate and set down in such roll the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when the roll shall be so made and completed, the assessor shall immediately give notice thereof by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village for ten days next previous to the time for review therein stated, and such notice shall give the time when and the place where he will be and have said roll for inspection and review. At

Notice of review.

Valuation may be reduced.

the time and place so appointed the assessor, on the application of any person interested, may reduce the said valuation on sufficient cause being shown on oath, to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessor, such person or persons shall have the right of appealing from such decision at any time within ten days thereafter, to the common council, who are in like manner hereby authorized to reduce such valuation, and the common council may, at any time before the tax is collected upon such assessment roll, correct any description of real estate which they may find erroneously described in said roll. The assessor shall complete and deliver such assessment roll to the village clerk on or before the first day of May in each year: *Provided*, That the common council may appoint two freeholders of said village to act with the assessor on said day of review, who shall have the same power and authority as the assessor in reviewing said tax roll, and the said board of review shall be in session from nine o'clock in the forenoon to four o'clock in the afternoon on the day appointed by said assessor for review.

Appeal to the common council.

Proviso.

SEC. 38. It shall be the duty of the common council, once in

each year and immediately after the assessor shall have delivered said roll to the clerk as provided in section thirty-seven, to estimate and cause to be set down in a column opposite to the several sums therein set down as the value of real and personal estate the respective sums in dollars and cents to be paid as a general tax or assessment thereon, and the tax on real estate shall be set down in a column by itself; any special tax or assessment for public or local improvements authorized by any provisions of this act may be included in said assessment roll, and shall be set down in a column by itself opposite the proper description; any poll tax or tax upon the owners or keepers of dogs, authorized by this act, may be included in said assessment roll, and the last column of said roll shall contain the total amount of taxes; the common council shall cause a copy of said roll, when completed as aforesaid, to be made and shall annex to such copy a warrant, under the hands of the president and clerk, commanding the marshal to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, on or before the day specified in such warrant, and directing him to pay such money, when collected, to the treasurer of said village by a certain day therein named, not less than forty days from date of said warrant, and said warrant may be renewed from time to time, as the common council may deem best.

Duty of common council in regard to tax roll.

Warrant.

SEC. 39. The marshal, upon receiving the said copy of tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said roll, and in case of refusal or neglect to pay such taxes, the marshal is hereby authorized and required to levy the same by distress and sale of goods and chattels of the person who ought to pay the same, wherever found within said village, together with the cost and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes, and he shall give the same notice and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property in accordance with the revised statutes of this State.

Duty of the marshal in collecting taxes.

SEC. 40. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes so remaining unpaid, and if the same or any part thereof, are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor upon diligent inquiry to discover any goods or chattels subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver such statement and copy of tax-roll to the clerk of said village, within five days thereafter.

Unpaid taxes.

Statement to be made by the marshal.

SEC. 41. The clerk, after such statement and copy of roll shall

Duty of the clerk.	have been delivered to him, shall, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction, at some place in said village, so much of said lands returned in said statement on account of the non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council to pay expenses of such sale: <i>Provided</i> , That when a less amount than the whole tract is sold for such tax, the portion so sold shall be off the north side of
Provide.	said tract or parcel, first giving at least thirty days' notice of the time and place, by advertisement posted up in three of the most public places in said village, which advertisement shall contain a description of the land and the name of the owner, if known, and the amount of taxes and expenses for the non-payment of which it is to be sold, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village, and in each week for four successive weeks preceding such sale. On the day mentioned in said notice, the clerk shall commence the sale of said lands, and continue until so much shall be sold as will pay the said taxes and expenses, and the clerk, on such sale, shall give to the purchaser or purchasers of any such lands, a certificate in writing describing the lands purchased, and the sums paid therefor, and the time when the purchasers shall be entitled to a deed for the same: <i>Provided</i> , That if any parcel of land cannot be sold to any person for the said taxes and expenses, the clerk shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect, in all respects, as if the same had been given to any other purchaser therefor. Upon the completion of said sale, the clerk shall deliver to the treasurer of said village a certified statement thereof, containing a description of the lands sold, the date of sale, the particular tax and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved, and transcribed by said treasurer in a book to be provided and kept by him for that purpose, and all moneys received upon such sales, he shall, at the same time, deliver to said treasurer.
Advertisement to contain what.	
Certificate of sale.	
Provide.	
Redemption of lands sold for taxes.	SEC. 42. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding the day of sale redeem any such land or interest therein by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per centum per annum from the day of sale, for the use of the purchaser, but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment a certificate of the redemption thereof.
Conveyance of lands.	SEC. 43. Upon the presentation of any such certificate of sale to the clerk of said village, after the expiration of the time for the redemption of the lands sold as aforesaid, or the certificate of sale canceled as hereinafter provided, he shall execute to the purchaser

or purchasers, his, her, or their heirs, assigns, executors, or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made, an estate in fee simple, subject to all the claims the State may have therein, and the said conveyance shall be *prima facie* evidence that the sale and all proceedings therein prior to such sale were regular, and every such conveyance executed by the said clerk under his hand and seal, acknowledged and recorded, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

SEC. 44. Any of the justices of the peace in the township of Nelson are hereby authorized and empowered to inquire into, hear, try, and determine in a summary manner all the offenses which shall be committed within said village against any ordinance, by-law, or regulation that shall be made, ordained, or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offenders as the ordinances, by-laws, or regulations shall prescribe or direct: *Provided always*, That any person on a charge of violating any of the by-laws, ordinances, or regulations aforesaid, may demand and have a trial by jury, as provided by law in criminal cases, and either party may appeal to the circuit court for the county of Kent.

Justice of the peace, jurisdiction of.
Proviso.
Trial by jury.

SEC. 45. Whenever any action or suit shall be commenced against the corporation of the village of Sand Lake, process against said corporation shall be served by leaving a copy of such process attested by a proper officer, with the clerk of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees: *Provided*, That the first process shall be by summons and copy thereof left with the clerk at least ten days before the return day thereof.

Process to be served on clerk.
Proviso.

SEC. 46. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror, or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Competency of jurors, etc.
Proviso.

SEC. 47. The corporation of the village of Sand Lake shall be allowed the use of the county jail at Grand Rapids, in said county of Kent, for the imprisonment of all persons liable to imprisonment under the ordinances, by-laws of the common council, and any person committed to jail by any justice of the peace for the violation of any ordinance or by-law of said common council, shall be in [the] custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged as in other cases: *Provided*, It shall be competent for said common council to construct and establish a lock-up for said village in which to temporarily confine all persons in the hands of the marshal for offenses under this act for a less time than ten days.

County jail, use of.
Proviso.

SEC. 48. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law, made in pursuance of such provisions or to recover any fine, penalty or forfeiture for such violation shall be brought in the name of "The People of

Suits, how brought.

Ordinance or by-law to be set forth by title.

Process to be issued to marshal.

Style of ordinances.

Time when by-laws or ordinances shall take effect.

Proviso.

Fire companies.

Construction of act.

Acts repealed.

By-laws, etc., continue in force.

Officers.

the State of Michigan," and in any such suit or prosecution it shall not be necessary to set forth in the complaint or warrant, the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act, violation, or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance or by-law, as the case may be, of the village of Sand Lake, referring thereto by its title; and all the processes issued by any justice of the peace in any such suit or proceeding shall be directed "To the marshal of the village of Sand Lake," and the same may be executed within the county of Kent.

SEC. 49. The style of all ordinances shall be "The common council of the village of Sand Lake, ordain." The time when any by-law or ordinance passed by the common council shall take effect shall be prescribed therein: *Provided*, That no by-law or ordinance shall be operative until the same shall have been published two weeks successfully in a newspaper printed and published in said village, or by written or printed notices posted up in three of the most public places in said village; and like notice shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitution and laws of the United States or of this State.

SEC. 50. The common council shall have authority to establish and organize all such fire companies, and hose, hook, and ladder companies, and provide them with engines and other instruments as shall be necessary to extinguish fires and preserve the property of the inhabitants of said village from conflagrations, and to appoint from among the inhabitants of said village such number of men willing to accept as may be deemed proper and necessary, to be employed as firemen.

SEC. 51. This act shall be favorably construed in all courts of competent jurisdiction.

SEC. 52. All former acts and all other proceedings of whatsoever nature, relating to the incorporation of the village of Sand Lake are hereby declared inoperative and shall stand repealed; but such repeal shall in no wise affect any claim, act, or right heretofore secured or established, or any suit, proceedings, or prosecution had or commenced prior to the time when this act shall take effect, and every such act, claim, right, or proceeding shall remain as valid and effectual as if this act had not been passed. All by-laws, rules, regulations, and ordinances of said village heretofore passed or adopted and not inconsistent with the provisions of this act, are hereby declared to be legal and valid, and shall continue in force and effect until the same shall be repealed or amended by the village council. The present officers of said village shall continue in office until their successors shall be elected and qualified in accordance with the provisions of this act and the general provisions of law relating thereto.

This act is ordered to take immediate effect.

Approved February 25, 1885.

[No. 251.]

AN ACT to incorporate the village of Gladwin in the county of Gladwin.

SECTION 1. *The People of the State of Michigan enact*, That the following lands and territory in the county of Gladwin, [and] described as follows, to wit: Section one (1), township eighteen (18) north, of range two (2) west, and the west half ($\frac{1}{2}$) of section six (6) in township eighteen (18) north, of range one (1) west, be and the same is hereby constituted a village corporate by the name of "The Village of Gladwin." Territory incorporated.

SEC. 2. The first election of [for] officers of said village shall be held on the second Monday in March, in the year one thousand eight hundred and eighty-five, at the court house in said village, notice of which shall be posted in three public places in said village by the board of registration hereinafter appointed, at least ten days previous thereto. First election.

SEC. 3. John M. Schaffer, Christopher C. Foutch, and Sherman L. Townsend are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and the said board of registration are hereby required to meet on the Saturday preceding the second Monday in March, one thousand eight hundred and eighty-five aforesaid, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings, and shall meet at the court house aforesaid, for the purpose of registering said voters as aforesaid, due notice of which shall be given by said board in the same manner and time as provided in the preceding section. Board of registration.

SEC. 4. The said village of Gladwin shall, in all things not herein otherwise provided, be governed by and its powers and duties defined by "An act granting and defining the powers and duties of incorporate villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof and supplementary thereto. Notice of registration.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election of [for] officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided by section two of this act. Powers and duties.

This act is ordered to take immediate effect.

Approved February 25, 1885.

[No. 252.]

AN ACT to re-incorporate the village of Three Oaks, in the county of Berrien, and to repeal act number three hundred and seventy-three of the session laws of eighteen hundred and sixty-seven,

relative to the incorporation of said village, and all acts amendatory thereto.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all those tracts of land situate in the township of Three Oaks, in the county of Berrien, in the State of Michigan, which are known and described as follows, to wit.: The southwest quarter of the northwest quarter, and the west half of the southwest quarter of section two (2); the southeast quarter of the northeast quarter, and the east half of the southeast quarter, of section three (3); the east half of the northeast quarter of section ten (10), and the west half of the northwest quarter of section eleven (11), all in town eight (8) south, of range twenty (20) west, shall be known and re-incorporated as the village of Three Oaks.

Officers to continue in office.

SEC. 2. The officers in said village, now in office, shall continue in office with the same powers and duties as are conferred by this act upon like officers until their successors shall be elected pursuant to the provisions of this act and the general laws relating to the incorporating of villages.

Ordinances and by-laws to continue in force.

SEC. 3. All the ordinances and by-laws of said village, now in force, are continued in force (that are not contrary to the provisions of said general act of incorporation) until repealed by the common council of said village.

First election.

SEC. 4. The first election of officers under the provisions of this act shall be held in said village on the second Monday in March, in the year of our Lord eighteen hundred and eighty-five. The polls

How conducted.

shall be opened at the time, and the said election shall be held and conducted in all respects as provided for in the general law, and the legal voters of said village shall be registered as provided for by the law in relation to the registration of voters.

Registration.

Notice of election.

SEC. 5. The notice of the first election of officers in said village shall be given by the present board of trustees of said village, by posting three written or printed notices thereof in three of the most public places in said village, at least eight days before said election.

Reincorporated under act approved April 1, 1876.

SEC. 6. The village of Three Oaks is hereby re-incorporated under the provisions of an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

Rights and liabilities.

SEC. 7. The said incorporated [re-incorporated] village shall possess all the rights and property, and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act.

Acts repealed.

SEC. 8. Act number three hundred and seventy-three, of the session laws of eighteen hundred and sixty-seven, relative to the incorporation of said village, and all acts amendatory thereof, are hereby repealed.

This act is ordered to take immediate effect.

Approved February 25, 1885.

[No. 253.]

AN ACT to extend the time for the collection of taxes in the township of Olive, in the county of Ottawa, for the year eighteen hundred eighty-four.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Olive, in the county of Ottawa, for the year eighteen hundred eighty-four, be and the same is hereby extended until the twentieth day of March, eighteen hundred eighty-five. Extension of time for collecting taxes.

SEC. 2. The township treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the life-time of his warrant, and to make his return to the county treasurer at any time before the twenty-fifth day of March, eighteen hundred eighty-five, and said warrant is hereby revived and continued in full force and virtue until said time. Township treasurer's authority.

SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life-time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the county treasurer. Treasurer's duty.

SEC. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall by him be returnable to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred eighty-four, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes.

This act is ordered to take immediate effect.

Approved February 25, 1885.

[No. 254.]

AN ACT to authorize the village of St. Louis to borrow money for the purpose of making public improvements in the village of St. Louis.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the village of St. Louis shall be and is hereby authorized and empowered to borrow money, on the faith and credit of said village, and issue bonds therefor, money to an amount not exceeding thirty thousand dollars, which shall be expended in making public improvements in the village of St. Louis: *Provided*, That the consent of a majority of the qualified electors of said village, who are present and voting at an annual or a special election called for that purpose, shall first be obtained. Authorized to bond. Provided.

SEC. 2. Before any loan provided for in this act can be voted upon at any election, a public notice shall be given by order of the board of trustees, and signed by the clerk of said village, by publishing the same in one or more of the newspapers of said village, for at least Notice of election to be published.

two weeks before said election, and said notice shall state that the electors will be called upon to vote upon such loan and the amount of such loan.

Vote by ballot.

SEC. 3. The vote on any loan, under the provisions of this act, shall be by ballot, which shall have written or printed thereon the words, "For the Loan," or "Against the Loan," and be deposited in a separate box to be labeled "Village Loan," and other proceedings had therein shall be the same as provided for in article sixteen and article seventeen of act number two hundred twenty-three of the session laws of eighteen hundred seventy-three.

Bonds in what sums, terms and rate of interest, by whom signed.

SEC. 4. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding seven per centum per annum, as the Village Board of Trustees shall direct, and shall be signed by the President and countersigned by the clerk, and sealed with the seal of said village, and negotiated by or under the direction of said board of trustees, and the money arising therefrom shall be appropriated in such manner as said board of trustees shall determine, for the purpose aforesaid, and the said board of trustees shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved February 27, 1885.

[No. 255.]

AN ACT to extend the time for the collection of taxes in the City of Wyandotte, in the county of Wayne, for the year eighteen hundred and eighty four.

Time for collection of taxes extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for collecting of taxes in the city of Wyandotte, in the county of Wayne, for the year eighteen hundred and eighty-four, be and the same is hereby extended until the thirty-first day of March, eighteen hundred and eighty-five.

Treasurer authorized to collect.

SEC. 2. The treasurer of said city is hereby authorized and empowered to proceed to collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns on or before the thirty-first day of March, eighteen hundred and eighty-five, and the warrant of said treasurer is hereby revived and continued in full force and virtue for the purpose aforesaid until the thirty-first day of March next.

Treasurer, duties of.

SEC. 3. It shall be the duty of the treasurer of said city, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

SEC. 4. A transcript of all unpaid taxes returnable to the county treasurer, in pursuance of the foregoing [provisions,] shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and eighty-four duly returned to the Auditor General for non-payment. Unpaid taxes.

This act is ordered to take immediate effect.

Approved February 27, 1885.

[No. 256.]

AN ACT to extend the time for the collection of taxes in the township of Chesaning, in the county of Saginaw, for the year eighteen hundred eighty-four.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Chesaning, in the county of Saginaw, for the year of eighteen hundred eighty-four, shall be and the same is hereby extended until the fifteenth day of March, eighteen hundred and eighty-five. Time for collecting taxes extended.

SEC. 2. The township treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make his return to the county treasurer at any time before the fifteenth day of March, eighteen hundred and eighty-five, and said warrant is hereby revived and continued in full force and virtue until said time. Treasurer to collect, etc.

SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the county treasurer. To pay over all moneys and renew bond.

SEC. 4. A transcript of all unpaid taxes returnable to the county treasurer in pursuance of the foregoing provisions, shall by him be returnable to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner and with interest computed for [from] the same time, as other taxes, for the year eighteen hundred and eighty-four, duly returned to the Auditor General for non-payment. Unpaid taxes.

This act is ordered to take immediate effect.

Approved February 27, 1885.

[No. 257.]

AN ACT to authorize the village of Evart, in the county of Osceola, to raise money to make public improvements in said village.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the village of Evart, in the county of Osceola, be and is hereby authorized and empowered to borrow money on Authorized to borrow money.

the faith and credit of said village, and to issue bonds therefor, to an amount not to exceed twenty-five thousand dollars, which shall be expended in making public improvements in said village of Evart: *Provided*, That a majority of the qualified electors of said village voting at an election to be called in conformity with the requirements of act number sixty-two of the session laws of eighteen hundred seventy-five, shall vote in favor of such loan in the manner specified in said act, and not otherwise.

Bonds to be issued in what sums, rate of interest, by whom signed and negotiated.

Duty of board.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rate of interest not exceeding seven per cent per annum, as the board of trustees shall direct; and shall be signed by the president, and countersigned by the clerk, and sealed with the seal of said village, and negotiated by or under the direction of said board of trustees; and the money arising therefrom shall be appropriated in such manner as said board of trustees shall determine for the purpose aforesaid; and the said board of trustees shall have power and it shall be their duty to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved March 2, 1885.

[No. 258.]

AN ACT to authorize the city of Cadillac, in the county of Wexford, to borrow money to make public improvements in said city.

Authorized to issue bonds.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Cadillac, in the county of Wexford, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said city, and issue bonds therefor to an amount not exceeding thirty-five thousand dollars, which shall be expended in making public improvements in said city of Cadillac: *Provided*, That a majority of the qualified electors of said city voting at an election to be called in compliance with the provisions of act number one hundred and seventy-eight of the Session Laws of eighteen hundred and seventy-three, shall vote in favor of such loan in the manner specified in said act, and not otherwise.

Bonds to be issued, rate of interest, and by whom signed.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest not exceeding seven per centum per annum, as the common council shall direct, and shall be signed by the mayor and clerk, and sealed with the seal of said city, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid; and the said

common council shall have power, and it shall be their duty, to tax, raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved March 2, 1885.

[No. 259.]

AN ACT to authorize the board of health of the township of Vassar, Tuscola county, State of Michigan, to remove and re-inter all the dead bodies and remains buried in the cemetery located on the west half of the northeast quarter section twelve, township number eleven north, of range seven east, in the village of Vassar, Tuscola county, to the Riverside cemetery, located on the south half of the northwest quarter of section thirteen, township number eleven north, of range seven east, township of Tuscola, Tuscola county, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the board of health of the township of Vassar, Tuscola county, State of Michigan, be and are hereby authorized and empowered to remove or caused to be removed, all of the dead bodies and remains buried in the cemetery located on the west half of the northeast quarter, section twelve, township number eleven north, of range seven east, of the village of Vassar, Tuscola county, State of Michigan, and cause the same to be re-interred in the Riverside cemetery, located on the south half of the northwest quarter, section thirteen, township number eleven north, of range seven east, township of Tuscola, Tuscola county, State of Michigan, in a careful, prudent, and respectful manner, and shall cause to be removed and again erected over the proper remains all permanent fences around graves and lots, all tombstones and monuments, with as little injury as the case will admit: *Provided*, That no removal of said dead bodies and remains shall be made during the months of June, July, August or September. Such removal and the costs of all proceedings under this act shall be at the expense of and paid by the township of Vassar: *Provided further*, That this act shall not prohibit any person from removing at his or her own expense, the dead bodies or remains of any relative or friend to said Riverside cemetery or any other suitable place of burial, by and with the consent of the board of health of the village of Vassar.

Authorized to remove dead bodies.

Provided.

Provided further.

SEC. 2. That all of the dead bodies and remains shall be removed on or before April first, in the year of our Lord eighteen hundred and eighty-seven; and that the cemetery located on the west half of the northeast quarter of section twelve, township number eleven north, of range seven east, in the village of Vassar, shall not be used for burial purposes from and after the passage of this act; and that on and after the first day of April, in the year of our Lord, eighteen hundred and eighty-seven, the cemetery aforesaid within

When to be removed.

the village of Vassar shall be and the same is hereby declared vacated.

This act is ordered to take immediate effect.

Approved March 3, 1885.

[No. 260.]

AN ACT to incorporate the village of Elsie.

Territory in-
corporated.

SECTION 1. *The People of the State of Michigan enact*, That all that certain track or parcel of land lying and being situated in the township of Duplain, in the county of Clinton, and State of Michigan, and known and described as follows, to wit: Commencing at the quarter post, on the west side of section twelve (12), thence east one hundred and sixty rods to the center of said section; thence south one hundred and sixty rods to the quarter post on the south side of said section; thence south to the center of section thirteen; thence west to the quarter post on the west side of section thirteen; thence west to the center of section fourteen; thence north to the quarter post on the north side of section fourteen; thence north to the center of section eleven; thence east to the quarter post on the west side of section twelve at the place of beginning, be and the same is hereby constituted a village corporate, to be known and designated as the village of Elsie.

First election.

SEC. 2. The first election of officers in said village shall be held on the second Monday in March, in the year of our Lord one thousand eight hundred and eighty-five, at Withrow's Hall, in said village, notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village two days before said election.

Notice of.

Board of regis-
tration.

SEC. 3. Eugene V. Chase, M. S. Doyle, and William G. Withrow are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at Withrow's Hall in said village, on the Saturday next preceding the second Monday of March, in the year of our Lord one thousand eight hundred and eighty-five aforesaid, and remain in session the same hours required of the boards of registration of general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings.

Powers and
duties of.

SEC. 4. The said village of Elsie shall, in all things not herein otherwise provided, be governed and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred seventy-five, entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred seventy-five, and [all] acts amendatory thereto.

Election may be
held at other
than time ap-
pointed.

SEC. 5. In case said first election of officers shall not for any reason be held at the time designated in section two of this act, such first election may be held at any time within one year thereafter, on notice being given as required herein.

This act is ordered to take immediate effect.

Approved March 3, 1885.

[No. 261.]

AN ACT to re-incorporate the village of Armada, in the county of Macomb.

SECTION 1. *The People of the State of Michigan enact*, That all Territory re-incorporated.
that tract of land situate in the county of Macomb and State of Michigan, in town five (5) north, of range thirteen (13) east described as the north three-fourths ($\frac{3}{4}$) of the east half ($\frac{1}{2}$) of section twenty-three (23), and the southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of said section twenty-three (23); and the north three-fourths ($\frac{3}{4}$) of the west half ($\frac{1}{2}$) of section twenty-four (24); and the southwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of said section twenty-four (24), shall be known and re-incorporated as the village of Armada.

SEC. 2. The officers in said village now in office shall continue in office with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected, pursuant to the provisions of this act, and the general law relating to villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and of the laws supplementary and amendatory thereto. Officers to remain in office.

SEC. 3. All ordinances and resolutions of said village of Armada shall continue in force until repealed. Ordinances to continue in force.

SEC. 4. The first election of officers under the provisions of this act shall be held in said village on the second Monday in March, in the year of our Lord, eighteen hundred and eighty-five. The polls shall be opened at the time, and the said election shall be held and conducted in all respects, as provided for in the general law, and the legal voters of said village shall be registered, as provided for by the law in relation to the registration of voters. First election.

SEC. 5. Notice of the first election of officers in said village shall be given by the present board of trustees of said village, by posting three written or printed notices thereof in three of the most public places in said village, at least eight days before said election. Notice of election.

SEC. 6. The village of Armada is hereby re-incorporated under an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto. Re-incorporated under what act.

SEC. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 5, 1885.

[No. 262.]

AN ACT to reincorporate the village of Imlay City, in the county of Lapeer, and to repeal act number two hundred and thirty-three, session laws of eighteen hundred and seventy-three, as amended by act number three hundred and twenty-three, session

laws of eighteen hundred and seventy-five, incorporating said village.

Territory re-incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all those tracts of land situated in the township of Imlay, in Lapeer county, Michigan, described as follows: The south half of section seventeen, the south half of the north half of section seventeen, and the north half of section twenty, in township number seven north, range number twelve east, shall be known and re-incorporated as the village of Imlay City.

Officers to continue in office.

SEC. 2. The officers in said village, now in office, shall continue in office, with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected pursuant to the provisions of this act, and the general laws relating to the incorporation of villages.

Ordinances to continue in force.

SEC. 3. All ordinances and resolutions of said village of Imlay City shall continue in force and shall be legal and binding until repealed by the common council of said village.

First election.

SEC. 4. The first election of officers under the provisions of this act shall be held in said village on the second Monday in March, in the year one thousand eight hundred and eighty-five. The polls shall be opened, and the said election shall be held and conducted in all respects as provided for in the general laws in regard to elections and the registration of voters.

Notice of.

SEC. 5. Notice of the first election of officers in said village shall be given by the present board of trustees by posting three written or printed notices thereof in three of the most public places in said village at least eight days before said election.

Re-incorporated under what act.

SEC. 6. The said village of Imlay City is hereby re-incorporated under an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Act repealed.

SEC. 7. Act number two hundred and thirty-three, session laws of eighteen hundred and seventy-three, as amended by act number three hundred and twenty-three, session laws of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Imlay city, in the county of Lapeer, and State of Michigan," is hereby repealed.

SEC. 8. This act is ordered to take immediate effect.

Approved March 5, 1885.

[No. 263.]

AN ACT to authorize the Ingham County Agricultural Society to borrow money by way of mortgage on its real estate for the purpose of paying its indebtedness.

Authorized to borrow money and to mortgage its real estate.

SECTION 1. *The People of the State of Michigan enact*, That the Ingham County Agricultural Society, a corporation duly organized under the laws of this State, be and it hereby is, authorized and empowered, through its proper officers, to borrow money for

the purpose of paying its indebtedness, and to mortgage its real estate to secure the payment of such loan: *Provided*, That the amount of money borrowed shall not exceed the sum of eight hundred dollars.

This act is ordered to take immediate effect.

Approved March 5, 1885.

[No. 264.]

AN ACT to authorize the village of Harbor Springs to raise money to aid in the construction of a court house for the county of Emmet.

SECTION 1. *The People of the State of Michigan enact*, That the trustees of the village of Harbor Springs shall be and are hereby authorized to borrow money on the faith and credit of said village and to issue bonds therefor, to an amount not exceeding ten thousand dollars, which said sum shall be expended in aiding the construction of a court house for the county of Emmet, to be located in the village of Harbor Springs: *Provided*, That a majority of the qualified electors of said village shall vote for such loan in the manner herein specified, and not otherwise.

Authorized to borrow money to build court house.

SEC. 2. Whenever the trustees of said village shall deem it necessary to issue bonds of the village for the purpose mentioned in the preceding section, they shall call a meeting of the electors qualified as aforesaid, by posting notices in five of the most conspicuous places of said village at least ten days previous to the time of such meeting and by publishing the same for at least three weeks previous to said meeting in some newspaper printed in said village, giving notice of the time and place of such meeting, also specifying the amount of and the object for which it is proposed to issue said bonds. Said meeting shall be under the control of the trustees of said village and shall be conducted in the same manner and the canvass of votes shall be as near as may be, as in other elections held under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages."

Trustees may call meeting of electors.

Ten days' notice.

Trustees to have control of meeting. Canvass of votes.

SEC. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times with such rate of interest, not exceeding eight per cent per annum, as the trustees of said village shall direct, and shall be signed by the village president and countersigned by the village clerk and sealed with the seal of said village and negotiated by or under the direction of the said trustees at not less than their par value; and the money arising therefrom shall be appropriated in such manner as the said trustees shall determine for the purpose aforesaid and upon such terms and conditions as shall be agreed upon between the said trustees and the board of supervisors of said county of Emmet; and the said board of supervisors and the said trustees are hereby authorized to make such agreements as may protect the rights and interests of said village and county aforesaid for the purpose here-

Bonds to be issued in what sum, time, and rate of interest, by whom signed.

Money, how appropriated.

Supervisors and trustees to make agreement.

Tax to pay
bonds and
interest.

inbefore mentioned; and the said trustees shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due, which said tax shall be levied and collected as provided for levying and collecting taxes by the act under which said village was incorporated.

This act is ordered to take immediate effect.

Approved March 5, 1885.

[No. 265.]

AN ACT to re-incorporate the city of Cadillac, and to repeal act number two hundred and fifty-four of the session laws of eighteen hundred and seventy-seven entitled "An act to incorporate the city of Cadillac, and repeal act number three hundred and thirty-six of the session laws of eighteen hundred and seventy-five," approved April twenty-two, eighteen hundred and seventy-five, and act number three hundred and four of the session laws of eighteen hundred and seventy-nine entitled "An act to amend section one of act number two hundred and fifty-four of the session laws of eighteen hundred and seventy-seven," approved March twenty, eighteen hundred and seventy-seven, entitled "An act to incorporate the city of Cadillac, and repeal act number three hundred and thirty-six of the session laws of eighteen hundred and seventy-five," approved April twenty-two, eighteen hundred and seventy-five.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory to wit: Entire sections three, four, and five, government lots one and two in section eight, and the north half of the north half of section nine, in township twenty-one north, of nine west, and also the southeast quarter of section thirty-two, entire section thirty-three, and the south half of section thirty-four, in township twenty-two north, of range nine west, in Wexford county, Michigan, according to original government survey, be incorporated into, and the same is hereby made, constituted, and organized into a city to be known as the city of Cadillac.

Officers to be
elected.

SEC. 2. The following city officers, viz.: A mayor, city clerk, city treasurer, city marshal, city collector, three school inspectors, and four justices of the peace shall be elected by the qualified voters of the whole city.

Idem.

SEC. 3. In each ward a supervisor, two aldermen and a constable shall be elected.

Officers ap-
pointed.

SEC. 4. The following officers shall be appointed by the council, viz.: A city attorney, a city surveyor, a street commissioner, a chief of the fire department, and three school inspectors.

Police justice.

SEC. 5. The council shall, also, at the time for making annual appointments of the city officers, designate the justice of the peace of said city, who shall be termed police justice, and such des-

ignation shall hold for one year. Such police justice shall have Exclusive jurisdiction. exclusive jurisdiction to hear, try, and determine all actions and prosecutions for the recovery and enforcement of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violation of such ordinances as in the ordinances prescribed and directed: *Provided*, That in case of the sickness, In case of sickness, etc. absence from the city, or inability of said police justice to hear and determine any cause, then any justice of said city may hear and determine the same: *And provided further*, Said police justice may Proviso. transfer any cause pending before him to any other justice of said city for any of the above causes.

SEC. 6. The police justice of the city shall receive such salary Salary of. as the city council shall prescribe, and all fines, penalties, and costs by him levied and collected, shall be turned over to the city treasurer, and his receipt therefor filed with the city clerk.

SEC. 7. Immediately after this act shall take effect the city council of the city of Cadillac shall proceed to divide the territory Wards. herein incorporated into such number of wards as they shall deem necessary, not exceeding four in all, and the division shall be so made as to make the territory and population of the several wards as nearly equal as may be.

SEC. 8. For the purpose of assessing and levying taxes in the Taxes. city, each ward shall be considered the same as a township, for the purpose of equalizing the several rolls of said city for the board of review, and for equalizing the same as to county and State taxes by the board of supervisors, and for collecting taxes and returning property for the non-payment thereof, the whole city shall be regarded as a township, and the city collector shall perform the same duties and have the same powers as a township treasurer, so far as may be necessary to perform faithfully his duty as such collector.

SEC. 9. The officers of said city now in office shall continue in Officers. office until their respective terms shall have expired, and until their successors are elected and qualified, with the same powers and duties as are conferred by this act and act number one hundred seventy-eight of the session laws of eighteen hundred seventy-three, entitled "An act for the incorporation of cities."

SEC. 10. The said city of Cadillac shall, in all things not herein Powers and duties of. otherwise provided, be governed by and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities, being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three," approved April twenty-ninth, eighteen hundred seventy-three, which act is hereby made and constituted a part of the charter of the said city of Cadillac, except as herein otherwise provided: *Provided*, That No compensation. the mayor and aldermen of said city shall serve without compensation: *And provided further*, That the sums raised by a general tax One per cent. for city purposes (exclusive of the sums raised for schools and school purposes) shall not in any one year exceed one per cent on the assessed value of all the real and personal property in said city made taxable by law.

SEC. 11 Act number two hundred fifty-four of the local acts Act repealed.

of eighteen hundred seventy-seven and act number three hundred four of the local acts of eighteen hundred seventy-nine are hereby repealed: *Provided, however,* That the city hereby incorporated shall be considered a continuance of the corporations by said acts created and shall be liable for all obligations, and entitled to all benefits accruing to said city of Cadillac by said acts created and all ordinances of said city shall be and continue to be binding until repealed.

This act is ordered to take immediate effect.

Approved March 6, 1885.

[No. 266.]

AN ACT to incorporate the village of Milan in the counties of Washtenaw and Monroe.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described lands being in the township of York, county of Washtenaw, and State of Michigan, and described as follows, to wit: The south half ($\frac{1}{2}$) of section thirty-five (35), and the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section thirty-six (36) in township four (4) south, of range six (6) east; also, the following described lands being in the township of Milan, county of Monroe, and State of Michigan, and described as follows, to wit: The west half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$), and the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section one (1), and the north half ($\frac{1}{2}$), also the north half ($\frac{1}{2}$) of the south half ($\frac{1}{4}$) of section two (2), township five (5) south, of range six (6) east, comprising a body of land one and a quarter ($1\frac{1}{4}$) miles square, be and the same is hereby constituted a village corporate to be known as the village of Milan.

Election of
officers.

Notice of.

SEC. 2. The first election of officers of said village shall be held on the third Monday in March, in the year of our Lord one thousand eight hundred and eighty-five, at Gauntlett's Hall in said village, notice of which shall be posted in three of the most public places in said village by the board of registration hereinafter appointed, at least five days previous thereto, or published at least one week previous to such election in a newspaper published in said village.

Board of regis-
tration.

SEC. 3. H. B. Bessac, G. R. Williams, and William H. Whitmarsh are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and the said board of registration are hereby required to meet at the store of H. B. Bessac, in said village of Milan, on the Saturday preceding the third Monday in March, in the year of our Lord one thousand eight hundred and eighty-five, and register the names of all persons residents of said village presenting themselves for registration and having the qualifications of voters at annual township meetings, due notice of which shall be given by said board in the same manner and time as prescribed [provided] in section two of this act: *Provided,* That the neglect or failure to hold such election at the time and place hereinbefore named shall not be deemed

Notice of meet-
ing.

Proviso.

to work a dissolution of said corporation; but in such case it shall be lawful to hold such election at any time within one year thereafter, pursuant to like notice as hereinbefore required, and at a place within said village to be designated in said notice.

SEC. 4. The said village of Milan shall in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto. But no tax raised under section one (1) of chapter nine (9) of said act shall, in any one year, exceed one-fourth ($\frac{1}{4}$) of one per cent of the assessed value of the property therein mentioned, nor shall bonds of said village be issued for any purpose whatsoever.

SEC. 5. Where necessary, to carry into effect the powers granted to said village by the act mentioned in section four of this act, the word *township* shall be construed *townships*, and the word *county* shall be construed *counties*.

This act is ordered to take immediate effect.

Approved March 10, 1885.

[No. 267.]

AN ACT to incorporate the public schools of Albion.

SECTION 1. *The People of the State of Michigan enact*, That all the territory and lands situated in the townships of Albion and Sheridan and now known as school district number one (1) fractional Albion and Sheridan, and bounded as follows, viz.: Section number one (1), section number two (2), section number three (3), section number twelve (12), northeast quarter of section number eleven (11), southeast quarter of section number eleven (11), north half of section number ten (10), north half of northeast quarter of section number four (4), northwest quarter of section number four (4), township of Albion: Also, section number thirty-four (34), section number thirty-five (35), section number thirty-six (36), east half of east half of section number thirty-three (33), south half of southeast quarter of section number twenty-five (25), southwest quarter of the southwest quarter of section number twenty-seven and all that part of the west half of east half of section number thirty-three (33), that lies south of Kalamazoo river, in the township of Sheridan, shall constitute a single school district, to be known and designated as the "Public Schools of Albion," and such district shall have all the powers and privileges conferred upon school districts and union school districts by general law; and hereafter all schools organized therein in pursuance of this act, under the direction and regulation of the school board, shall be public and free to all children actual residents within the limits thereof, between the ages of five and twenty-one years inclusive.

SEC. 2. The offices of said district shall consist of six trustees whose term of office shall be three years, two of whom shall be elected at the annual meeting of the district, to be held on the first

President,
secretary and
treasurer.

Monday in September in each year. A trustee for the term of one year shall be elected at the annual election held on the first Monday in September, in the year eighteen hundred and eighty-five. The person receiving the highest number of votes for the one year term at said election shall be deemed a duly elected trustee, and within ten days after this election the trustees thus elected shall meet and elect from their own number a president, secretary, and treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director, and assessor of school districts in the State, except so far as the same are varied or modified by the provisions of this act, or other acts, relating to said district. The trustees and officers of the district heretofore known as "School district number one (1), fractional Albion and Sheridan" shall be and they are hereby constituted the trustees and officers of the public schools of Albion, and the moderator shall be the president, and the director the secretary, and the assessor the treasurer of said public schools, and said trustees so elected shall continue to hold their said offices for the same time and in the same manner as though this act had not been passed. Said board of trustees shall have power to fill any and all vacancies that may occur in their number, or in the officers appointed by them until the next annual meeting of the district.

Powers of
trustees.

SEC. 3. From and after the passage of this act said board of trustees shall have all the powers and privileges conferred upon district and union school district boards by general law, and all the powers and duties of the first board of school inspectors of the township of Albion shall be transferred to said board of trustees, who shall be, *ex-officio*, the board of school inspectors of said township of Albion, and shall make their reports directly to the clerk of the county of Calhoun. Said board of trustees shall have power to examine and license, or cause to be examined and licensed all teachers that may be necessary for the schools of the district, and shall enter into written contract with all teachers that they may employ.

Duty of trustees.

SEC. 4. It shall be the duty of said board of trustees to provide all necessary appendages for the school-houses and to keep the same in good condition and repair, to establish and maintain a district library, and for that purpose they may take and hold the library books, fixtures and furniture now held and possessed by said school district; to employ superintendents, teachers, janitors and librarian; to purchase other books for said library; to establish, locate, and maintain a high school, grammar and primary schools, and, generally, to do all things needful and desirable for the maintenance, prosperity, and success of the schools in said district, and the promotion of the thorough education of the children therein. It shall be the duty of said board to apply for and receive from the county treasurer, or other officers holding the same, all moneys appropriated for primary schools and the district library of said district to adopt by-laws and rules for their own procedure and to make all needful rules and regulations for the control and management of the schools of said district and the said district library. Said

board shall keep accurate account of all expenses incurred by them, and all claims for such expenses shall be audited by said board and paid by the treasurer out of any money provided for that purpose, on the order of the secretary countersigned by the president of said board. Said board shall present at each annual meeting of the district a statement of the amount of all receipts and disbursements for the school year, and it shall be the duty of said board to make an estimate of the amount necessary to be raised in addition to other school funds for the entire support and maintenance of such schools for the ensuing year, including the expenses for the management of said library and any indebtedness of said district, and on or before the first Monday in October the secretary shall certify such amount to the supervisor or supervisors of said district or any township, village, or city from which said district shall in part be formed, and the same shall be levied, collected and returned in the same manner as other taxes.

Accounts to be kept by.

Annual statement.

SEC. 5. The treasurer of said district, within ten days after his election and before he shall enter upon the duties of his office, shall give a bond to the district in such sums and with such sureties as shall be approved by the school board for the faithful discharge of the duties of said office and to account for and pay over all moneys that shall come into his hands by virtue of such office; and he shall have power, by suit at law, under the direction of the district board, in the name of the public schools of Albion, to collect all moneys due said district from the several township, village, or city collectors, or for tuition of scholars who are not actual residents of said district, or that may be due said district in any other manner whatever. Said bond shall be filed with the secretary of said board.

Treasurer's bond.

Where filed.

SEC. 6. The board of trustees shall require the secretary to keep a record of its proceedings and of the rules and by-laws it may from time to time enact; and to do and transact all other business that shall be required of him by said board. For which labor he shall receive such compensation as the board of trustees shall determine upon by a vote at any regular meeting of the board.

Secretary's duties.

SEC. 7. All lands, school-houses and sites, together with the furniture, library, property, effects and estate of school district number one, fractional Albion and Sheridan, both real and personal and all debts or demands due or owing to said district, are hereby transferred to and declared the property of the "Public Schools of Albion," and all bonds, debts, and obligations, dues and contracts of said school district number one, fractional Albion and Sheridan, shall be and they are hereby declared the debts, dues, and contracts for the public schools of Albion, and shall be binding on said public schools according to the respective terms and conditions thereof.

Property of.

SEC. 8. The qualified voters of said district shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present, any number of sites for school-houses and to change the same by a similar vote at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for such school-house, a majority of the voters present at such meeting shall have the power to instruct the school board to locate said site. The site of the

School-house site.

Provided.

several school buildings heretofore located, and now held by district number one, fractional Albion and Sheridan, shall be and are hereby declared and deemed school-house sites for the public schools of Albion.

Suits against. SEC. 9. Suits may be brought by or against the public schools of Albion on all contracts, obligations, debts, bonds, or demands due and unpaid from or to said school district number one, fractional Albion and Sheridan, in like manner as they might have been by or against said school district number one, fractional Albion and Sheridan, if this act had not been passed.

Annual meeting. SEC. 10. That the annual meeting of said district shall be held on the first Monday of September in each year, and at the annual meeting to be held on the first Monday in September next, the qualified voters shall elect by ballot two trustees for the term of three years, and one trustee for the term of one year, who with the three trustees holding over will constitute a board of six, and annually thereafter, in the same manner, they shall elect two trustees, who shall hold their offices three years and until their successors shall have been elected and qualified.

Trustees to be elected. SEC. 11. That at the meeting of the board of trustees, next preceding the said annual meeting, it shall be the duty of said board to elect, from its number, three members of said board who shall constitute a board of inspectors for the purpose of conducting the annual election of trustees of said district.

Board of inspectors. SEC. 12. Said board of inspectors shall before opening the polls, appoint a suitable person to act as clerk of the election, and said clerk, so appointed, shall take the constitutional oath of office, which oath either of said inspectors may administer, and the clerk so appointed, and each inspector so chosen shall receive two dollars for his services at said election, to be paid by the treasurer of said board of trustees.

Clerk. SEC. 13. Said board of inspectors shall provide a ballot-box at the expense of said district and open the polls at such place within said district as the district board shall designate, giving public notice as required by law for the election of two trustees whose terms of office shall be for three years, and until their successors shall have been elected and qualified. Said polls shall be opened at three o'clock in the afternoon or as soon thereafter as may be on the day of annual school meeting and shall continue open until eight o'clock in the evening, but said inspectors may adjourn the polls at five o'clock P. M. for one hour in their discretion.

Election. SEC. 14. The qualification of male electors shall be the same as at general elections, and the qualification of female electors, and of persons holding office, shall be the same as is or may be provided by the general school laws for school districts, and each person offering to vote, shall deliver his or her ballot to one of the inspectors, in presence of the board, who shall deposit the same in the ballot box.

Qualification of electors. SEC. 15. If any person offering to vote at such election, shall be challenged as unqualified by any legal voter in said district, one of the inspectors shall declare to the person so challenged the qualifi-

Challenge.

cations of a voter, and if such person shall state that he or she is qualified, and the challenge shall not be withdrawn, the said inspector shall tender him or her an oath in substance as follows: "You do swear (or affirm), that you are twenty-one years of age, that you are an actual resident of this school district, and are legally qualified to vote at the general election [elections] in this State." Or he or she may take the following oath: "You do swear or affirm, that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are liable to pay a school district tax therein." Or he or she may take the following oath, to wit: "You do swear, or affirm, that for the past three months you have been an actual resident of this school district, or residing upon territory now attached to this school district, and that you are the parent, or legal guardian of one or more children, now included in the school census of this district," and any person taking either of said oaths, shall be permitted to vote at such election.

SEC. 16. If any person so challenged shall refuse to take such oath, his or her vote shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury.

SEC. 17. The clerk of the election shall keep a poll list, which shall contain the names of all electors voting at such election, and at the close of the polls, the inspectors shall immediately proceed to canvass and ascertain the result of the election, which canvass shall be public, and the two persons found to have received the largest number of votes, at such election, shall be deemed duly elected trustees.

SEC. 18. The public schools of Albion, aforesaid, shall have power to take, accept, and hold any real or personal estate by gift, grant, bequest, or devise, for any purpose connected with the schools of said district, or for the benefit of said library, and said board of trustees shall use and appropriate the same for the purposes and uses mentioned in the instrument, giving, granting, or devising the same, and for no other purpose.

SEC. 19. Said library shall be and remain the property of the corporation created by said act, and shall be for the benefit of and be open to all actual residents of said school district, under such rules, regulations, and restrictions, as the board shall from time to time make and ordain.

This act is ordered to take immediate effect.

Approved March 12, 1885.

[No. 268.]

AN ACT to amend section six of chapter two of the charter of the city of Negaunee, Marquette county, approved April eleventh, eighteen hundred seventy-three, and to repeal sections one,

two, three, four, five, six, eight and eleven; and to amend sections seven, nine, ten, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, and to change the number of each section so amended of chapter fourteen of the charter of the city of Negaunee as amended by act number two hundred and forty-three of the session laws of eighteen hundred eighty-three, approved March twenty-seventh, eighteen hundred eighty-three.

Chapter
amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter two of the charter of the city of Negaunee, in the county of Marquette, of act number two hundred and forty (240), of the session laws of eighteen hundred seventy-three, approved April eleventh, eighteen hundred seventy-three, be and the same is hereby amended to read as follows:

Officers to be
elected and
when.

SEC. 6. At each annual election to be held in said city after the first annual election, there shall be elected by the electors of the whole city voting in their respective wards, one mayor, one recorder, one treasurer, one school inspector, four constables, and one justice of the peace. Each of said officers, except the school inspector, shall hold his office for one year after his election and until his successor is elected and qualified. Said school inspector shall hold his office for two years after his election and until his successor is elected and qualified. Said justice of the peace shall hold his office for the period of four years from and after the fourth day of July next following his election. Each of said officers except said justice of the peace shall enter upon the duties of his office and file his qualifications with the recorder of said city within ten days after his election. Said justice of the peace shall give the security required by law of justices elected in townships, which security may be approved by the common council of said city or by the county clerk of said county of Marquette, and said justice of the peace shall, before entering upon the duties of his office, and on or before the fourth day of July following his election, file such security and his official oath of office with the county clerk of said county. There shall also be elected at each annual election after such first annual election in each ward by the electors thereof, one supervisor and one alderman to be voted for on the same tickets with the city officers. Said supervisor shall hold his office for one year and until his successor is elected and qualified, and said alderman shall hold his office for two years and until his successor is elected and qualified; and they shall each file their oaths of office with the recorder of said city, and enter upon the duties of their office within ten days after their election. The common council of said city shall, on the first Thursday after the annual charter election in April in each year, appoint one assessor, who shall possess all the powers heretofore granted to the assessor of said city, but he shall not be a member of the common council. He shall hold his office for the term of one year and until his successor is appointed and qualified.

How long to
hold.

To qualify and
enter upon
duties of office.

Justice security
to be approved
by whom.

Supervisor and
aldermen.

To hold office
how long.

To enter upon
duties of office
when.

Assessor when
appointed.

Powers and
duties of.

Term of office.

Act amended.

SEC. 2. That chapter fourteen (14) of the charter of the city of Negaunee, in the county of Marquette, being act number two

hundred and forty-three (243), of the session laws of eighteen hundred and eighty-three, be and the same is hereby amended to read as follows:

SEC. (15) 6. The common council of said city may provide a system of water works for said city, to protect it against fire, and to furnish the inhabitants with a supply of pure and wholesome water, and to that end, whenever said common council shall deem it necessary to issue the bonds of the city, the question of issuing said bonds, shall be submitted to the qualified electors of said city, at the annual election in April, or at some special election called for that purpose, in the same manner as other special elections are called under said incorporation act, and at least ten days notice of such submission shall be given immediately preceding said election by posting the same in three public places in each ward of said city, or by publishing the same in some newspaper published in said city, specifying the amount of not exceeding twenty-five thousand dollars, and the object for which it is proposed to issue said bonds. A separate ballot box shall be provided for receiving ballots, and the votes shall be canvassed, declared, and returned and all things with reference thereto, done in the same manner, as near as may be, as in the case of city officers. At the close of such election, the inspector shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk for the county of Marquette: *Provided*, That not more than two such meetings shall be called in any one year, and that the total bonded indebtedness of said city shall not, at any one time, exceed said sum of twenty-five thousand dollars.

Water works.

Bonding city for.

Notice of election.

To specify what.

Separate ballot box.

Canvass of votes.

Certificates of votes cast.

Deposited where.

Number of meetings.

Bonded indebtedness.

SEC. (16.) 7. Whenever the common council shall be authorized by a vote of the qualified electors, as provided in the preceding section, they may issue the bonds of the city to the amount voted, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess, and collect a tax on the assessed value of all real and personal estate in said city made taxable by the laws of this State, and such tax shall be levied, assessed, and collected in the same manner, and upon the same tax-roll as is provided for the levying and collection of other city taxes, and shall be designated on such tax-roll as the "water tax," taxes for this purpose, not to exceed in amount a sufficient sum to pay the interest accrued, or to accrue on said bonds, for the year for which such taxes are levied, and the principal as it shall become due. Said bonds shall be denominated "water bonds," and shall be numbered in the order of their issuance, and shall be for not less than three years, nor more than thirty years from this date, and shall be issued under the seal of the corporation, signed by the mayor and recorder, and be redeemable at the pleasure of the common council, after three years from the date of such issue: *Provided*, That any bonds bearing a less rate of interest than six per centum per annum, may, in the discretion of the common council, be made payable at any time, not more than thirty years from

When common council may issue bonds.

Water tax.

Water bonds.

Proviso.

- this date, and shall not be payable at the pleasure of the common council before the expiration of such time: *And provided further*, That the common council shall have the right to purchase and cancel any of said bonds that may be offered for sale at any time when in the judgment of said common council the best interests of said city will be subserved thereby. The recorder shall keep an accurate record of all said bonds, and of the number, date, and amount of each, its rate of interest, when and where the same is payable, and the person to whom it is issued. Said bonds shall not be transferable, except with the written approval of the mayor and recorder endorsed on the same.
- Idem.** SEC. (17.) 8. Whenever such bonds are voted and issued in the manner described in the preceding sections, the common council shall create a new fund to be designated "the water fund," to the credit of which shall be placed the proceeds of said bonds, together with the sums of money raised by taxation to pay the same, and the interest thereon, also all water rates collected, and such sums of money as the common council may, from time to time, order transferred from the general fund of said city to said water fund. Said bonds, as they may fall due, and accrued interest thereon, shall be paid from said water fund, and the common council may order all expenses incurred under the provisions of this act, paid from said water fund. The common council may require from the city treasurer additional security for said water fund, in such sums, and with such sureties as it shall approve, and may grant and allow such compensation as it may deem expedient for services actually performed in carrying out the provisions of this act.
- Additional security.** SEC. (7.) 9. The construction and repairing of the water-works of said city, or any work connected therewith, and the construction and repairing of mains and pipes shall be done under the direction of such person as the common council shall, from time to time, appoint as overseer for that purpose, and shall be approved by the common council, and all work done under the direction of such overseer shall be reported to the common council, from time to time by such overseer, and no money shall be paid out of the treasury on account of any work so done, until the common council shall have instructed the recorder to draw his warrant therefor. It shall be the duty of the overseer to make a report to the common council on or before the first day of March in each year, which report shall embrace all the expenditures for the work done under the control of such overseer, and a statement of the condition, progress, and operations of said water-works. Said overseer shall also make such other and further reports as said common council shall, from time to time, require of him.
- Construction and repairing of water works.** SEC. (9.) 10. Annually, in the month of June, the common council shall fix and assess the water rates to be paid for having and using water from said works, for the year next ensuing the first day of July. Said rates shall be based, as near as may be, upon the water consumed and used by the owner or occupant of each house, building, or lot using water. Such water rates shall, from and after the first day of July, be a continual lien, until paid,
- Overseer to report.**
- Common council to fix water rates.**
- Water-rate lien.**

upon the lots, real estate, and premises on which water is used, and the rates assessed.

SEC. (10.) 11. The owners or occupants of lots or premises against which such water rates shall be assessed, shall pay the same at the office of the recorder, or at such other office in said city as the common council shall, from time to time designate, quarterly in advance, on the first day of January, April, July, and October in each year, and in case of any default in such payment the common council may collect the same by a suit at law, before any court of competent jurisdiction, and shall have the right to shut off the water from such premises, until the same is paid; said suit to be brought in the name of the city of Negaunee: *Provided*, Water-rate to be paid quarterly in advance. *Provido.* That any attempt to collect said rates by any process above mentioned, shall not invalidate the lien upon said lot or premises.

SEC. 12. The common council, by its agents and servants, may enter upon any public or private land or waters, either within or without said city, for the purpose of making all necessary surveys, and for maintaining reservoirs, pipes, aqueducts, and other works, or of doing any other acts necessary to carry into effect the purposes of this chapter. The common council may agree with all persons interested in private property, as to the compensation to be paid for using the same for the public use in connection with said water-works. In case of failure to so agree, the common council may proceed to condemn said property in the same manner as is hereinbefore provided for in that part of chapter five relative to taking private property for streets and alleys. The common council shall also have such other and further powers and rights not herein granted, as are given to water boards by the general laws of this State, and as are not inconsistent with the powers and rights herein granted. May enter upon land, etc. May condemn property.

SEC. 13. If any person shall willfully do or cause to be done, any act, whereby any work, materials, or other property whatsoever, erected or used, within or without said city of Negaunee by said common council, or any person acting under its authority, for the purpose of procuring or keeping any supply of water, shall be injured, or shall willfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance [whatsoever] whatever in any reservoir, pipe, or aqueduct of said water-works, through which water for public or private use is conveyed, or shall throw, or place, or cause to be thrown or placed, any such carcasses, deleterious, or filthy substances into Teal lake, or into its inlets, or do or cause to be done, any other act to willfully pollute said water, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail of said county for a period not exceeding three months, or both such fine and imprisonment in the discretion of the court before which such case may be tried. Injuring water works or polluting water, how punished.

SEC. 14. If any person shall, without the authority of the common council, or its proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log, or aqueduct, Idem.

Idem.

belonging to said water-works, or cause to be made any connection or communication with said pipes, aqueduct, main, or logs, or meddle with, or move the same, or any machinery, apparatus, or fixture, belonging or in anywise appertaining to said water-works, or cause the same to be done, the person so offending shall on conviction be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both such fine and imprisonment in the discretion of the court. Any person who shall willfully break or cut any inlet pipe, main, distributing pipe, log, or aqueduct, used by the common council, its agents or servants for conducting said water, or shall dig into or break up any reservoir, filled or partially filled with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith, belonging to said water-works, or cause any of said acts to be done, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both such fine and imprisonment in the discretion of the court.

Inconsistent sections repealed.

SEC. (18.) 15. All clauses, sections, or parts of sections in any preceding chapter of the charter of the city of Negaunee inconsistent with any of the provisions of chapter fourteen as hereinbefore amended are hereby repealed.

This act is ordered to take immediate effect.

Approved March 12, 1885.

[No. 269.]

AN ACT to detach certain territory from the township of Kawkawlin and attach the same to the township of Monitor, in Bay county.

Territory detached.

SECTION 1. *The People of the State of Michigan enact*, That sections one (1), two (2), three (3), four (4), five (5), and six (6), of township fourteen (14) north, of range four (4) east, and the Bocotondon reservation so-called, be and the same is hereby detached from the township of Kawkawlin and attached to the township of Monitor in Bay county. The present township board and all township officers of said township of Kawkawlin shall hold their offices and discharge the duties of the same until their successors are duly elected and qualified.

Township officers.

This act is ordered to take immediate effect.

Approved March 12, 1885.

[No. 270.]

AN ACT to incorporate the village of Sandusky, in Sanilac county.

SECTION 1. *The People of the State of Michigan enact*, That the

northwest quarter of section four, and the northeast quarter of section five, in town eleven north, of range fourteen east, in the township of Watertown, and the southeast quarter of section thirty-two, and the southwest quarter of section thirty-three, in town twelve north, of range fourteen east, in the township of Custer, and all in the county of Sanilac, and State of Michigan, be and the same is hereby constituted a village corporate, known as the village of Sandusky.

SEC. 2. The first election of officers of said village shall be held at the court-house in said village on the second Monday of April, in the year of our Lord one thousand eight hundred and eighty-five, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village, ten days before said election.

SEC. 3. Charles J. French, Thomas Doyle, and James McLaughlin are hereby constituted a board of registration, for the purpose of registering the names of voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election at said court-house, and remain in session the same hours required [by] of the board of registration of general elections, and register the names of all persons residing in said village, and having the qualifications of voters at annual township meetings, due notice of which registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

SEC. 4. Said village of Sandusky shall, in all things not herein otherwise provided, be governed, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two, on notice being given as therein required.

This act is ordered to take immediate effect.

Approved March 12, 1885.

[No. 271.]

AN ACT to amend section six of title three of the charter of the city of Lansing.

SECTION 1. *The People of the State of Michigan enact*, That section six of title three of the charter of the city of Lansing be amended so as to read as follows:

SEC. 6. At each annual election hereafter to be held in said city, there shall be elected on a city ticket, one mayor, one clerk, and one treasurer who shall hold their offices for one year; but no person shall be eligible for the office of city treasurer for more than

Member of the
board of educa-
tion.

Alderman.

Justice of the
peace.

Constables.

two consecutive years. In each ward, at the annual election of the year eighteen hundred and eighty-five, there shall be elected one member of the board of education for one year, and one for two years; and at each annual election thereafter there shall be elected in each ward one member of said board who shall hold his office for two years. There shall also be elected in each ward at each annual election hereafter, one alderman, who shall hold his office for two years, and in eighteen hundred and seventy-nine, and at each fourth annual election thereafter, one justice of the peace for the first and fourth wards, and one justice of the peace for the second and third wards, and one justice of the peace for the fifth and sixth wards. And in eighteen hundred and eighty-five there shall be elected, at the spring election, one constable for the first and fourth wards, and one constable for the second and third wards, and one constable for the fifth and sixth [ward] wards who shall hold their offices for one year. At each annual spring election thereafter there shall be elected a successor in office to each of said constables respectively.

This act is ordered to take immediate effect.

Approved March 13, 1885.

[No. 272.]

AN ACT to amend sections one, two, three, four, five, six, seven of an act entitled "An act relative to justice courts in the city of Detroit, being act number two hundred and eighty of the session laws of eighteen hundred and eighty-three," approved April twenty-fifth, eighteen hundred and eighty-three, and to add a new section thereto to stand as section eight.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, six, seven of an act entitled "An act relative to justices' courts in the city of Detroit, being act number two hundred and eighty of the session laws of eighteen hundred and eighty-three, approved April twenty-fifth, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows, and to add a new section thereto to stand as section eight.

Justices for the
city of Detroit.

SECTION 1. There shall be four justices of the peace in and for the city of Detroit who shall be elected at the regular charter election of said city, or at any general election held therein, in the same manner, and shall hold their offices for the same term, possess the same jurisdiction, powers, duties, and liabilities as justices of the peace for townships, and the files, records and dockets belonging or appertaining to those offices of justices of the peace abolished by the act of which this act is amendatory, shall belong to and be filed and safely kept in the clerk's office hereinafter mentioned; and that justice of the peace whose office shall soonest expire by its own limitation shall be and is hereby authorized and empowered to issue executions upon any judgment appearing upon any of said dockets in the same manner and with like effect as if such judgment had

been rendered by him. The fourth justice of the peace herein provided for, shall be elected at the general election to be held in the spring of eighteen hundred and eighty-five, and shall at once thereafter assume the duties of his office, the same as though he were elected to fill a vacancy, and his term of office shall expire on the fourth day of July, eighteen hundred and eighty-eight, and thereafter his successors shall be elected for the term of four years as provided by the general statute.

SEC. 2. The auditors of the county of Wayne shall provide a suitable court-room for the accommodation of each of said justices of the peace, and also an office for the clerks hereinafter mentioned, also one jury-room, which office and rooms shall be contiguous to each other; and the said auditors shall further provide the necessary dockets, books, including a set of Michigan reports, blanks, stationery, furniture, and fuel for the use of said justices and clerk.

SEC. 3. Each of said justices of the peace shall be entitled to receive from the treasury of the county of Wayne an annual salary of eighteen hundred dollars, payable in monthly installments, on the certificate of the said auditors; but no such certificate shall be granted by said auditors until the justice asking for the same has made and filed with them his affidavit setting forth the number of days he has been in actual attendance at his court-room ready for business, during the period for which the certificate is intended to cover, and for such time only thus spent in actual attendance to business shall he be allowed in such certificate, but if it appear by such affidavit that his non-attendance was occasioned by illness, he shall be charged with no lost time therefor. Each of said justices shall have his court-room open, and he shall be in attendance to the duties of his office therein, at least from nine o'clock in the morning until twelve o'clock noon, and from two o'clock until six o'clock in the afternoon; and the said clerk's office shall be open continuously from nine o'clock in the forenoon until six o'clock in the afternoon of each day, except all legal holidays.

SEC. 4. There shall be one clerk for said justices of the peace, to be known as the "clerk of justices' courts for Detroit," who shall be appointed by said auditors forthwith, on the making and filing with them the written recommendation of a majority of said justices holding office; on or before July first of each year; but if for any reason such recommendation be not so made and filed by said last named date, then the said auditors shall make such appointment on their own motion, and his term of office shall be one year, dating from July fourth of each year; and he shall receive an annual salary of twelve hundred dollars, payable in monthly installments, from the treasury of said county, for the faithful discharge of the duties of his office, but the said auditors may at any time revoke the appointment of said clerk for cause, on the written recommendation of all of said justices of the peace. The said clerk shall have the power to appoint one or more deputies, when the necessity therefor shall be certified to by the said justices, and may revoke such appointment at pleasure, which appointment and revocation shall be operative from the time of filing the certificate thereof with

When elected.

Court, clerk, and jury rooms to be provided by auditors.

Dockets, stationery, etc.

Salary.

Justice to make affidavit of time.

Hours justice and clerk to keep office open.

Clerk of justices courts.

Appointed by whom.

Salary.

Appointment may be revoked for cause.

Clerk may appoint one or more deputies.

Salary.	the said auditors. Such deputies shall be authorized to administer oaths and perform generally the duties of said clerk, and they shall receive as compensation such salaries, payable monthly, from the treasury of said county, as the said auditors may determine, not exceeding the sum of one thousand dollars per annum. The said
Bond.	clerk may require of each of said deputies a good and sufficient bond, with [such] a surety or sureties in such amount and with such conditions as he may think proper. It shall be the duty of said
Clerk to keep record.	clerk to keep a true and complete record of each of said justices' courts, with the assistance of the said respective justices of the peace and enter all judgments in the docket of the justice rendering the same in the time and manner provided by law; but after such entry each judgment shall be signed by the justice by whom it was rendered. The said clerk shall also file and safely keep all books and
To keep a list of jurymen.	papers belonging or appertaining to the said courts, and enter in a book provided for that purpose a list of the names of all jurors that sit on the trial of cases before the said justices, with the names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered; he shall also make all writs returnable to the said justices, in regular rotation; and if upon the return or adjourned day of any cause, the justice issuing the process therein, should be absent at the time to which the same was adjourned, or the process therein made returnable, the next justice in the regular order of issuing writs, if present, and if not one of the other justices, shall have the same jurisdiction to proceed therein as though it had originally been commenced before him; but the record thereof shall be entered in the docket of the justice issuing the original process. The said clerk shall also receive all costs, fines, and dues, of every description, which are provided by law, in all proceedings in said justices' courts, and shall pay the same weekly to the treasurer of said county, and take his receipt therefor. He
Writs returnable to whom.	shall have power, generally, to administer oaths and take affidavits, and before entering upon the duties of his office, he shall make and file in the office of the clerk of said county, a bond in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by the said county auditors, conditioned that the said clerk shall weekly, well and truly pay to the said county treasurer, all moneys received by him as said clerk, for the use of said county, and otherwise fully and faithfully discharge all the duties of his said office.
Other justice than the one issuing the process may hear the case.	
Clerk to receive and pay all costs to treasurer each week.	
Can administer oaths, etc.	
Must file bond,	
Court fee to be paid in advance.	SEC. 5. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced, in any of said courts, there shall be paid to the said clerk, by the party bringing the same, the sum of fifty cents, and before the trial of any such action, or proceeding, shall be commenced, the further sum of fifty cents; but in cases of non-suit, no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the principal case, and no additional fees shall be charged therefor up to and including the entry of judgment therein. (If any person shall satisfy one of said justices, by affidavit, that he has a good, meritorious cause of

action for personal services, against another, within the jurisdiction of said courts, and that he has made a personal demand of payment therefor of the debtor, and that such payment has been refused, and shall therein also state the name and residence of the debtor, and the amount due over and above all legal set-offs, the justice to whom such affidavit is presented, may, in his discretion, endorse on such affidavit directions to the said clerk to cause to be issued the proper writ in the case before one of the other of said justices, without charge for court fees for the commencement or trial of such cause. If the plaintiff in such case recover judgment, he shall be entitled to tax, as part of his costs, an attorney fee of five dollars; and the usual court fees shall also be taxed against the defendant, but in favor of said county. If the defendant obtain judgment in such cause, the said court fees shall, in like manner, and for like purpose, be taxed against the plaintiff. Nothing herein contained shall be so construed as to prevent the circuit court for the county of Wayne, on an appeal of any such cause, to require the plaintiff therein to give security for costs, as in other cases.) If any party demand a jury in any action in said court, he shall advance the fees therefor, and the same shall be disposed of by the said clerk as is now provided by the general statute of the State governing justices' courts. Before any affidavit, or writ, or *certiorari* shall be served, on any one of said justices of the peace, in addition to the fees allowed by law for making returns to an appeal or *certiorari*, the entry fee, on filing the same in the circuit court, shall be paid to said clerk by the appellant, or plaintiff in error, and the said clerk shall, as early as practicable, file the return to such appeal, or writ of *certiorari*, in the office of the clerk of the circuit court for the county of Wayne, and pay over the entry fee so advanced to him as aforesaid. The moneys so paid to said clerk of justices' court, shall be for the use of said county, and shall be held to be in full of all fees in civil action, from the commencement thereof to and including the issuing of execution therein. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid, and in the same manner as in such proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk, as in civil cases is provided.

SEC. 6. (The said justices of the peace of the city of Detroit shall, as against all other justices of the peace, have exclusive jurisdiction of all actions and proceedings within their jurisdiction where both of the parties thereto shall, at the time of the commencement of such action or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city, but has been by him assigned.)

SEC. 7. This act shall in no way affect the fees to which justices of the peace may be entitled on the performance of marriage ceremonies, taking acknowledgments, and administering oaths in mat-

Court fee need not be paid in certain cases.

Attorney fee.

Court fees how taxed.

Security for costs.

Jury fees.

Entry fee to be paid in advance.

Taxable costs.

Exclusive jurisdiction of justices.

Fees of justices and constables.

ters not connected with any litigation in said justices' courts; nor shall it affect the fees to which constables are entitled, or the present method of paying them.

Summons, how served.

SEC. 8. The service of a summons under this act, may be made in the manner prescribed in section fourteen of act number one hundred and ninety-one, of the public acts of eighteen hundred and seventy-nine, being section six thousand eight hundred and twenty-seven of Howell's Annotated Statutes.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 273.]

AN ACT to amend chapter five of an act entitled "An act to incorporate the city of Ishpeming, in the county of Marquette," approved April ten, eighteen hundred and seventy-three, as amended by the several acts amendatory thereof, by adding thereto three new sections, to stand as sections sixteen, seventeen, and eighteen, and to add thereto a new chapter to stand as chapter fifteen thereof.

Chapter amended by adding three new sections.

SECTION 1. *The People of the State of Michigan enact*, That chapter five of an act entitled "An act to incorporate the city of Ishpeming, in the county of Marquette," approved April ten, eighteen hundred and seventy-three, as amended by the several acts amendatory thereof, be amended by adding thereto three new sections to stand as sections sixteen, seventeen, and eighteen, to read as follows:

Laying out and altering highways, streets and alleys.

SEC. 16. The common council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city whenever they shall deem the same a public improvement; and if, in so doing, it shall be necessary to take or use private property, the same may be taken in the manner in this charter provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to, or benefited by such improvement, in the manner in this charter provided for levying and collecting special assessments; or, in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Expense, how paid.

Vacating streets, alleys, etc.

SEC. 17. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall, by resolution, so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto. Notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the recorder, in writing; and

if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Two-thirds vote necessary in case of objection.

SEC. 18. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the recorder, in a book of street records, and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all the matters therein set forth.

Streets, alleys, and public grounds to be surveyed.

Record to be made thereof.

Record to be *prima facie* evidence.

Ordinance discontinuing streets, etc., to be recorded.

SEC. 2. The following chapter shall be added to said act to stand as chapter fifteen thereof:

CHAPTER XV.

CEMETERIES.

SECTION 1. The city may acquire, hold, and own such cemetery or public burial place or places either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants; and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Cemeteries.

Council may prohibit burials within the city.

SEC. 2. The council may, within the limitations in this charter contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, protection, and care thereof.

Council may appropriate funds for purchase or improvement of cemetery.

SEC. 3. Whenever the city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council may appoint three trustees who shall be electors in the city, and who with the recorder, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for three years from the first Monday in May of each year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Trustees of cemetery.

Term of office.

May be removed for cause.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the recorder shall be clerk of the board and

Board to appoint its own chairman.

Board to have such power and perform such duties as council shall prescribe.

the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Care and management of cemetery.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks, the lots to be numbered, and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the recorder. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the recorder, and be recorded in his office at the expense of the purchasers.

Conveyances of lots to be executed by recorder and recorded in his office.

Duties and powers of the board.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund not to be devoted to any other purpose.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the cemetery fund. Said fund shall not be devoted or applied to any other purpose except the purpose of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose, expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Board to report to council.

Council may pass ordinances regulating cemeteries.

SEC. 8. The council, if the city owns a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish all violations of any lawful orders and regulations made by the board of cemetery trustees.

Idem.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof and the appurtenances thereto.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 274.]

AN ACT to authorize the board of supervisors of the county of St. Joseph to dispose of the proceeds of the sale of their poor farm.

SECTION 1. *The People of the State of Michigan enact*, That whenever the board of supervisors of the county of St. Joseph shall deem fit to sell their present poor farm, it shall be lawful for them to place the proceeds thereof to the credit of the general fund or poor fund, as they may elect.

Proceeds of sale of poor farm, how disposed of.

Approved March 17, 1885.

[No. 275.]

AN ACT to authorize the township of Union, in Isabella county, Michigan, to borrow money to be used in public improvements in and for the benefit of said township, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Union, in Isabella county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township, the sum of fifteen thousand dollars; seven thousand five hundred dollars of which is to be due and payable in five years, and seven thousand five hundred dollars to be due and payable in ten years from the date of said loan, at a rate of interest not exceeding six per cent per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine; which bonds shall in no case be disposed of for a less sum than their par value.

Authorized to borrow money.

Amount.

Rate of Interest.

Bonds can not be sold for less than par value.

Special election.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan shall so determine; and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof, by causing the date, place of voting, and object of said election to be stated in written notices, and by posting said notices in five public places in said township, not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

Notice of.

SEC. 3. The vote upon such proposition shall be by [ballots] ballot, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the public improvement loan—Yes;" and ballots against the same shall be in the following words: "For the public improvement loan—No." And it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots, both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The

Vote shall be by ballot.

Form of.

Board to furnish.

Election, how conducted and canvass of votes.

Declaration and certificate to be made and filed with clerk.

Money borrowed, how expended.

Additional tax to be collected.

Interest and principal payable by treasurer.

election shall be conducted, and the votes canvassed, in all respects, as in other special township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against the same, respectively; and not later than the day following such election, said inspectors shall endorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk, shall be by him filed with the clerk of said Isabella county.

SEC. 4. Any money borrowed under the provisions of this act, shall be expended in public improvements, in and for the benefit of said township of Union, Isabella county, Michigan, and for no other purpose whatever; and in case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 276.]

AN ACT to provide for the holding of elections of the township of Kalamazoo, in the county of Kalamazoo, in the corporate limits of the city of Kalamazoo.

Township of Kalamazoo authorized to hold its elections in the city.

SECTION 1. *The People of the State of Michigan enact*, That all general and special elections of the township of Kalamazoo, in the county of Kalamazoo, shall hereafter be held at the court-house, within the corporate limits of the city of Kalamazoo, and county of Kalamazoo, and be conducted in all respects as is now required by law for the conduct of elections: *And provided*, That the electors of said township may hold all caucuses within said corporate limits.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 277.]

AN ACT to incorporate the village of Manistique.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situated in the county of Schoolcraft, in the State of Michigan, known and described as sections twelve (12) and thirteen (13) in township forty-one (41) north, of range sixteen (16) west, be and the same is hereby constituted a village corporate, under the name of the village of Manistique, and the jurisdiction of said village shall cover the navigable waters south of and adjacent to said village for a distance of one mile from the shore line.

Territory
incorporated.

SEC. 2. The first election of officers of said village shall be held on the second Monday in May, in the year of our Lord one thousand eight hundred and eighty-five, at the office of the county clerk.

First election,
when and where
held.

SEC. 3. W. Harlow Hill, John F. Cory, and W. S. Peechin are hereby constituted a board of registration for the purpose of registering votes for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election, at the office of said W. S. Peechin, and remain in session the same hours required of the board of registration at general elections and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, and due notice of which registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration, and by publishing said notice in the Schoolcraft County Pioneer, a newspaper printed and published in said village, two weeks before said meeting of said board of registration.

Board of registra-
tion.

To meet when.

Posting notice.

Publishing
notice.

SEC. 4. Said village of Manistique, shall in all things not herein otherwise provided, be governed by, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five: *Provided*, That wherever the word *March* occurs in said act, in its application to this act, it shall be read *May*, and wherever the word *April* occurs in said act it shall read *June*.

Governed by act
defining the
power of incor-
porated villages.March, May,
April, and June.

SEC. 5. The president of said village shall be, *ex officio*, a member of the board of supervisors of the county of Schoolcraft.

President ex
officio member
of board of su-
pervisors.

SEC. 6. The said village shall be exempt from the superintendence and control of the commissioners of highways of the townships in which said village is located, and it shall not be lawful for the supervisors of said townships to levy or assess any highway tax upon the taxable property of said village, nor shall the inhabitants thereof be liable to perform any highway labor excepting such as is ordered by the council of said village.

Exempt from
the control of
highway com-
missioners.Highway tax
and labor.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 278.]

AN ACT to vacate a State road in or near the city of Escanaba.

State road
vacated.

SECTION 1. *The People of the State of Michigan enact*, That so much of the State road in or near the city of Escanaba, as is described as follows, to wit: Commencing in the center of Ludington street, three hundred and fifty-three (353) feet west of the east line of Charlotte street, running thence northwesterly nineteen hundred and forty (1940) feet to the north line of Sinclair street, thence northwesterly seventeen hundred (1700) feet to the intersection with a new north and south road now laid out and traveled, be and the same is hereby vacated.

SEC. 2. This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 279.]

AN ACT to provide for the construction of a bridge across Black river, on the county line between the townships of Grant, in St. Clair county, and Worth, in Sanilac county.

Bridge across
Black river.

SECTION 1. *The People of the State of Michigan enact*, That the commissioners of highways of the townships of Worth and Fremont, in Sanilac county, and the commissioners of highways of the townships of Grant and Greenwood, in St. Clair county, acting jointly, shall cause to be constructed a good and substantial bridge across Black river, on the county line between the township of Grant, in St. Clair county, and Worth, in Sanilac county, in the years eighteen hundred and eighty-five or eighteen hundred and eighty-six.

Letting
contract.

SEC. 2. Said commissioners shall, in the year eighteen hundred and eighty-five, advertise for sealed proposals, and shall contract with the lowest bidder giving good and sufficient surety to them for the performance of the work, and not less than ten days' notice shall be given by the commissioners of the time and place of letting said contract, by posting up notices in at least five of the most public places in each of said townships: *Provided*, That if said commissioners shall, from any cause, fail to let said contract in the year eighteen hundred and eighty-five, they shall let said contract in the year eighteen hundred and eighty-six.

Proviso.

Supervisors
authorized to
spread their
proportion of
tax on roll.

SEC. 3. Upon the completion of the contract for said bridge, and the taking of good and sufficient surety for the completion of the same, the several supervisors of the townships of Worth and Fremont, in Sanilac county, and Grant and Greenwood, in St. Clair county, are hereby authorized, and shall spread upon the taxable property of said townships, as assessed for the years eighteen hundred and eighty-five, eighteen hundred and eighty-six, eighteen hundred and eighty-seven, or eighteen hundred and eighty-eight, as the case may be, a tax sufficient in the aggregate to pay the entire cost of said bridge, in like manner as other taxes are spread upon the

tax-rolls, in the following proportions, viz.: One-fourth by the supervisor of Worth, one-fourth by the supervisor of Grant, one-fourth by the supervisor of Greenwood, and one-fourth by the supervisor of Fremont, respectively, of the entire contract price of constructing said bridge, which amount shall not exceed sixteen hundred dollars, and shall be collected by the treasurers of the several townships aforesaid, in the usual manner.

SEC. 4. The said commissioners shall draw orders upon the several township treasurers aforesaid, in payment for the construction of said bridge, and materials furnished for the same, and no money applicable to such purpose shall be paid by either of said treasurers, except upon the order signed by the said commissioners, and accompanied by their certificate that the work has been actually performed, or the contract fulfilled; but said commissioners shall not draw orders on either of said treasurers in excess of the funds in the hands of either of said treasurers to pay the same.

Commissioners
to draw orders,
etc.

SEC. 5. If any of the officers mentioned in this act shall neglect or refuse to perform any of the duties imposed upon them by this act, under the provisions of this act, or shall misapply any of the funds appropriated by this act, it shall be competent for the Governor forthwith to remove him from said office. Any vacancy in either of said offices shall be filled by the Governor.

Governor may
remove officers;
vacancy how
filled.

SEC. 6. All acts inconsistent herewith shall be deemed invalid, and of no effect so far as carrying out the provisions of this act is concerned.

SEC. 7. This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 280.]

AN ACT to organize the township of Autrain, in Schoolcraft county.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the county of Schoolcraft within the west half of range number nineteen (19), and the whole of range number twenty (20), and the island of Grand Island be and the same is hereby detached from the township of Onota, in said county, and created into a new township to be known and styled the township of Autrain.

Territory
incorporated.

SEC. 2. The first election in said township of Autrain shall be held at the hotel known as the Autrain House, in said township, on the first Monday in April next, and William Lemm, Edward Parrett, and Daniel Kelly are hereby made and constituted a board of [inspectors] inspection for said township election.

First election,
when and where
to be held.
Board of
inspectors.

SEC. 3. If for any reason it shall be impracticable to hold said meeting or election at the place herein designated it shall be lawful for the electors assembled at or as near as may be to such place to adjourn said meeting to the nearest convenient place for holding the same and at said place of adjournment forthwith proceed with the meeting.

May adjourn
from place fixed
for holding.

Vacancy in
board of inspec-
tors may be
filled.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township to choose from the electors present suitable persons to act as inspectors of said election.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 281.]

AN ACT to amend sections two, three, eight, and thirty-two of an act entitled "An act to incorporate the village of Vermontville," being act number two hundred and seventeen of the session laws of the year one thousand eight hundred and seventy-one, approved March eleventh, one thousand eight hundred and seventy-one. Also to amend section two of act number three hundred and twenty-nine of session laws of the year one thousand eight hundred and eighty-one, entitled "An act to amend an act entitled an act to incorporate the village of Vermontville," approved March twenty-second, one thousand eight hundred and eighty-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, three, eight, and thirty-two, of act number two hundred and seventeen, of the session laws of the year one thousand eight hundred and seventy-one, being an act to incorporate the village of Vermontville, also section two of act number three hundred and twenty-nine, of the session laws of one thousand eight hundred and eighty-one, amendatory thereto, be and they are hereby amended so as to read as follows:

Officers of
village.

SEC. 2. The officers of said village shall consist of a president, recorder, treasurer, and five trustees, to be elected by a plurality of votes by ballot cast at any election by the inhabitants of said village having the qualifications of electors under the constitution of this State. The president and the treasurer shall each hold their offices for the term of one year, and the recorder and trustees shall each hold their offices for the term of two years, and all of said officers shall hold their said offices until their successors are elected and qualified. And the common council of said village are hereby authorized and empowered to appoint such other officers as may be necessary under the provisions of this act. The election of officers provided for shall be held in said village on the second Monday in April, annually, at such place in said village as the common council thereof shall designate for that purpose: *Provided*, That at the election held on the second Monday of April next, being the first election held after the passage of this act, the recorder and two trustees shall be elected for the term of two years each, and three trustees for the term of one year each: *And provided further*, That the neglect or failure to hold such election at the time hereinbefore named, shall

Term of office.

Officers to be
appointed.

Election, when
to be held.

Officers to be
elected at the
first election.

Elections may
be held at other
than the time
fixed.

not be deemed to work a dissolution of said corporation, but in such case it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing a designation of the time and place thereof, in three of the most public places in said village at least ten days before such election shall be held.

SEC. 3. At each and every election to be held in said village under the provisions of this act, the president, recorder, and one trustee to be appointed by the common council, shall be the board of inspectors thereof, and said board shall conduct said elections, and certify the result thereof.

Board of
inspectors.

SEC. 8. It shall be the duty of the president to preside at all meetings of the village council, and in case of his absence from meetings of the common council, said council may appoint one of their number as president *pro tem.*, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings; and his compensation for such [service] shall be a salary not exceeding fifty dollars per annum.

President's
duties.

Recorder's
duties and his
salary.

SEC. 32. It shall be the duty of the supervisor of the township of Vermontville, who is constituted *ex-officio* assessor of said village, to take the assessment of said village at the time he takes the assessment of said township, in all respects the same, and annex thereto the usual certificate, and file the same in the office of the recorder of said village, on or before the third Monday of May in each year, whereupon it shall be the duty of said common council to give notice that at a certain time and place, not less than five nor more than ten days from said date, the board of review of said common council will meet to hear any person considering himself aggrieved by the assessment made by said supervisor, and said common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuation, and when so corrected, said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by said common council, which said certificate shall be *prima facie* evidence of the regularity of the assessment of said village: *Provided*, That the president, recorder, and one trustee may constitute the board of registration, and said board of review of said village.

Supervisor's
duties.

Notice of meet-
ing of board of
review.

Certificate to be
attached to
assessment roll.

Board of regi-
stration and
review.

This act is ordered to take immediate effect.
Approved March 17, 1885.

[No. 282.]

AN ACT to amend section two of act number two hundred and sixty-five of the session laws of eighteen hundred and seventy-one, approved April thirteenth, eighteen hundred and seventy-one, as amended by act number three hundred and two of the session laws of eighteen hundred and eighty-three, approved May

eighteen, eighteen hundred and eighty-three, relative to the charter of the village of Dundee.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number two hundred and sixty-five of the session laws of eighteen hundred and seventy-one, approved April thirteenth, eighteen hundred and seventy-one, as amended by act number three hundred and two of the session laws of eighteen hundred and eighty three, approved May eighteenth, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Election of officers, when to take place.

SEC. 2. The inhabitants of said village having the qualification of electors under the constitution of the State of Michigan, shall meet at the office of H. Watling, in said village, on the third Monday of April next, and on the third Monday of April annually thereafter at such place as shall be designated by the common council of said village, and then and there proceed by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, one president, one recorder, one treasurer, and one assessor, who shall hold their [offices] office for one year, and until their successors are elected and qualified. There shall also be elected at the first election in said village, six trustees, three of whom shall hold their offices for the term of two years, and three for the term of one year, and the term of each shall be designated upon the ballot; and annually thereafter three trustees shall be elected, who shall hold their office for two years: *Provided*, That if any election of such officers shall not be made on the day provided for in this act, the said corporation for that reason shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Officers to be elected.

Term of office.

Trustees.

Proviso.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 283.]

AN ACT to amend section four of act number three hundred and forty-seven of the session laws of eighteen hundred and seventy-three, entitled, "An act to incorporate the board of education of the city of Hastings," approved April second, eighteen hundred and seventy-three.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of act number three hundred and forty-seven of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the board of education of the city of Hastings," approved April second, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Board of education, authority, etc.

SEC. 4. The board of education shall have full power and authority, and it shall be their duty:

First, To purchase sites and build school-houses or other build-

ings, for school purposes in said city, provided the expense does not exceed five thousand dollars on any one building;

Second, To establish a high school in said city and prescribe the course of study therein;

Third, To appoint a superintendent of the common schools in said city under the charge of said board, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe; and it shall be his duty to act as clerk of said board if required;

Fourth, To establish a school library in said city, and designate the place and places where the same shall be kept, and to appoint a librarian, with such compensation as they shall deem proper;

Fifth, To apply for and receive from the county or city treasurer, or other officers, all moneys appropriated or belonging to the primary school funds of said city, or for library purposes, and to expend the same according to law;

Sixth, To make by-laws and ordinances for taking the census of the children of said city; for making reports, and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city; for visitations of schools and the length of time schools shall be taught (which shall not be less than nine school months in each year); for the employment and examination of teachers, and their powers and duties; for the regulation of schools and the books to be used therein; for the appointment of necessary officers, and to prescribe their powers and duties; for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of the public schools.

SEC. 2. This act is ordered to take immediate effect.

Approved March 19, 1885.

[No. 284.]

AN ACT to incorporate the village of Hanover, in the county of Jackson.

SECTION 1. *The People of the State of Michigan enact*, That the following lands and territory in the township of Hanover, in Jackson county, and described as follows, to wit: The southeast quarter of section twenty; the south one-half of northeast quarter of section twenty; the southwest quarter of the northwest quarter of section twenty-one; the south thirty acres of east half of northwest quarter of section twenty-one; the south sixty acres of the northeast quarter of section twenty-one; the south half of section twenty-one, the north half of section twenty-eight, and the northeast quarter of section twenty-nine, all being in township number four (4) south, range number two (2) west, be and the same is hereby constituted a village corporate by the name of the village of Hanover. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held on the second Tuesday in April, in the year one thousand eight hun- Election of officers.

dred and eighty-five, at Peabody's hall, in said village, notice of which shall be posted in three public places in said village by the board of registration hereinafter appointed, at least ten days previous thereto.

Board of registration.

SEC. 3. W. J. G. Dean, Wayne J. Markham, and Charles A. Ford are hereby constituted a board of registration for the purpose of registering votes for the first election to be held in said village, and the said board of registration are hereby required to meet on the Saturday preceding the second Tuesday in April, one thousand eight hundred and eighty-five, aforesaid, and register all persons presenting themselves for registration, being residents of the aforesaid corporation, and having the qualifications of voters at annual township meetings, and shall meet at Peabody's hall as aforesaid, for the purpose of registering said voters as aforesaid, due notice of which shall be given by said board in the same manner and time as provided in the preceding section.

When to meet.

Where to meet.

Notice of meeting.

Powers and duties of.

SEC. 4. The said village of Hanover shall in all things not herein otherwise provided, be governed by and its powers and duties defined by "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof and supplementary thereto.

Election of officers at other than time specified.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided by section two of this act.

This act is ordered to take immediate effect.

Approved March 19, 1885.

[No. 285.]

AN ACT to incorporate the village of Shelby in the county of Oceana.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following lands and territory in the township of Shelby, county of Oceana, and State of Michigan, described as follows, to wit: The east three-fourths of section seventeen, the south one-half of the southeast quarter and the southeast quarter of the southwest quarter of section eight, the southwest quarter of the southwest quarter of section nine, and the west one-fourth of section sixteen, all being in township fourteen north, of range seventeen west, be and the same is hereby constituted a village corporate by the name of the village of Shelby.

Election of officers, when and where held.

Notice to be given.

SEC. 2. The first election of officers of said village shall be held on the first Monday in May, in the year of our Lord one thousand eight hundred and eighty-five, at Hedge's hall, in said village, notice of which election shall be posted in three public places in said village by the board of registration hereinafter appointed, at least ten days previous to said election.

SEC. 3. W. H. Churchill, George W. Woodard, and Alfred Souter, are hereby constituted a board of registration for the purpose of registering the names of voters for the first election to be held in said village, and the said board of registration are hereby required to meet on the Saturday preceding the first Monday of May, in the year of our Lord one thousand eight hundred and eighty-five, at nine o'clock in the forenoon, and remain in session until five o'clock in the afternoon, and register the names of all persons presenting themselves for registration, having the qualifications of voters at annual township meetings, and said board shall meet at Hedge's hall, in said village, for the purpose of registering said voters, due notice of which meeting shall be given by said board in the same manner and for the same time as is provided for giving the notice of election in section two of this act.

Board of registration.

When and where to meet.

Notice to be given.

SEC. 4. The said village of Shelby shall, in all things not herein otherwise provided for, be governed by and its powers and duties defined by act number sixty-two (62) of the session laws of eighteen hundred seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred seventy-five, and all acts amendatory thereto.

Powers and duties.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act, an election for officers may be held at any time within one year from the time designated in section two of this act, on notice given as provided by section two of this act.

Election may be held at other than time appointed.

SEC. 6. The provisions of this act shall in nowise affect or interfere with any of the platted tracts heretofore known and designated respectively as the village of Barnett and Shelby as at present laid out and recorded.

Villages of Barnett and Shelby.

This act is ordered to take immediate effect.

Approved March 19, 1885.

[No. 286.]

AN ACT to incorporate the village of Bad Axe, county of Huron.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: Entire section nineteen (19), township sixteen (16) north, of range thirteen (13) east, being in the township of Verona, county of Huron; also the entire east half of section twenty-four (24), township sixteen (16) north, of range twelve (12) east, being the township of Colfax, in said county of Huron, be and the same is hereby constituted a village corporate to be known as the village of Bad Axe.

Territory incorporated.

SEC. 2. The first election of officers of said village shall be held at Razek's Hall, in said village, on the second Monday in April, in the year of our Lord one thousand eight hundred and eighty-five, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election, and by causing a

Election, when and where held.

Notice to be given.

- copy of said notice to be published in the Huron Tribune and Bad Axe Democrat, newspapers printed and published in said village, at least two weeks before said election.
- Board of registration.** SEC. 3. Septimus Irwin, John F. Welch, and James M. Skinner are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding the day of election, at the office of the said John F. Welch, and remain in session the same hours required of the board of registration at general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be made by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration, and by publishing said notice in the Huron Tribune and Bad Axe Democrat, newspapers printed and published in said village, two weeks before said meeting of said board of registration.
- Notice of meeting of.** SEC. 4. The said village of Bad Axe shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and all acts amendatory thereto.
- Powers and duties of.** SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein.
- Elections may be held other than at time designated.** This act is ordered to take immediate effect.
Approved March 19, 1885.

[No. 287.]

AN ACT to prohibit all fishing with nets in Black River lake, Black river, and in the streams tributary to said lake in Ottawa county, and Kalamazoo lake and Kalamazoo river, Allegan county.

- Fishing in certain waters with nets prohibited.** SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter, at any time, to fish with seines, pound-nets, trap nets, or any other nets of whatsoever kind or description, in any of the waters of Black River lake, including the harbor thereof, Black river, and in the streams tributary to said lake, in the county of Ottawa, or in Kalamazoo lake, or Kalamazoo river in this State. Any person offending against the provisions of this act shall, for each and every offense, upon conviction thereof, be punished by a fine of not exceeding one hundred dollars, or in default thereof, by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, to be determined by a court of competent jurisdiction.
- This act is ordered to take immediate effect.
Approved March 20, 1885.

[No. 288.]

AN ACT to incorporate the village of Iron River, in the county of Marquette.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land situate, lying and being in the county of Marquette and State of Michigan, and described as follows to wit: The west half of the southwest quarter, and the southwest quarter of the northwest quarter of section twenty-five (25); the south half of the northeast quarter, the east half of the southeast quarter and the northwest quarter of the southeast quarter; also the northeast quarter of the southwest quarter of section twenty-six (26); also John Sipchen's addition to the village of Iron River, located on the northwest quarter of section twenty-six (26), platted and recorded as Sipchen's addition to said village, all in township forty-three (43) north, range thirty-five (35) west, be and the same is hereby constituted a village corporate, to be known and designated as the village of Iron River. Territory incorporated.

SEC. 2. The first election of officers in said village shall be held on Tuesday, the seventh day of April, in the year of our Lord one thousand eight hundred and eighty-five, at the office of Dr. D. M. Bond, in said village. First election.

SEC. 3. John Sipchen, Frank L. Bond, and Alexander Morrison, citizens and lawful voters of said village, are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the said Tuesday, April seventh, eighteen hundred and eighty-five, and register the names of all persons, residents of said village, presenting themselves for registration, having the qualification of voters at annual township meetings. Board of registration; when to meet.

SEC. 4. Notices of said first election of officers of said village shall be posted in three of the most public places in said village at least ten days before the time of said election, which notice may be signed by any five freeholders in said village. Notice of election.

SEC. 5. The said village of Iron River shall, in all things not herein otherwise provided, be governed by the powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof. To be governed by general law.

SEC. 6. In case said first election of officers shall not be held at the time specified in section two of this act, said election may be held at any time within one year thereafter, on [notice] notices being given as above provided.

SEC. 7. This act is ordered to take immediate effect.

Approved March 20, 1885.

[No. 289.]

AN ACT to incorporate the village of Ontonagon, in the township of Ontonagon, county of Ontonagon, and State of Michigan.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the entire fractional section nineteen (19), and all of section thirty (30) and thirty-one (31), in township fifty-two (52) north, range thirty-nine (39) west, and the entire fractional section twenty-five (25), and all of section thirty-six (36), in township fifty-two (52) north, range forty (40) west, in the township of Ontonagon, county of Ontonagon, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Ontonagon.

First election.

SEC. 2. The first election of officers of said village shall be held on the third Monday of April, in the year one thousand eight hundred and eighty-five, at the county clerk's office, in said village, ten days' previous notice of which shall be given by the board of registration hereinafter appointed, or any of them, by posting such notice in three public places in said village.

Board of
registration;
when and where
to meet.

SEC. 3. Reuben A. Parker, Louis J. Longpre, and Stephen H. Chamberlain are hereby constituted a board of registration, for the purpose of registering the voters for the first election to be held in said village, and they are hereby required to meet on the Saturday preceding the time herein provided for holding the first election in said village, at Fireman's Hall in said village, and register the names of all persons, residents of said village, presenting themselves for registration, having the qualifications of voters at annual township meetings.

When election
may be held.

SEC. 4. If for any reason the said election shall not be held at the time hereinbefore specified, it may be held at any time within one year thereafter, by giving the notice above required.

To be governed
by general law.

SEC. 5. The said village of Ontonagon shall in all things be governed, and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporate villages," approved April first, in the year one thousand eight hundred and seventy-five, and acts amendatory thereto.

SEC. 6. This act is ordered to take immediate effect.

Approved March 20, 1885.

[No. 290.]

AN ACT to amend section five, chapter three, of act three hundred and eleven, session laws of eighteen hundred and eighty-one, in reference to the election of officers for the city of Stanton.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter three, of act number three hundred and eleven, approved March ten, eighteen hundred eighty-one, being an act entitled "An act to incorporate the city of Stanton," be and the same is hereby amended so as to read as follows:

SEC. 5. The mayor, city clerk, treasurer, school [inspectors] inspector, supervisors, and constables shall hold their offices for the term of one year from the first Monday in April of the year in which they are elected, and until their successors are qualified and enter upon the duties of their offices. The aldermen shall be elected for the year eighteen hundred and eighty-five, as follows: One alderman shall be elected in each ward for the terms of one, two, and three years respectively, and for every year thereafter each ward shall elect one alderman for the term of three years, who shall hold their offices from the first Monday in April of the year in which they were elected, or until their successors are qualified and enter upon the duties of their offices.

City officers;
term of office.

Aldermen.

Ordered to take immediate effect.

Approved March 24, 1885.

[No. 291.]

AN ACT to authorize and empower the township of Glencoe, in the county of Lake, to sue for and collect all moneys belonging to School District Number One, in said township; to authorize and direct the supervisor of said township to institute criminal proceedings against any person or persons who have embezzled, or may embezzle funds or property belonging to said district, and to authorize the township treasurer of said township, under the direction of the township board thereof, to receive, hold, or loan in trust all funds belonging to said district, for the benefit thereof, and to act as trustee and custodian of the property and effects belonging thereto.

SECTION 1. *The People of the State of Michigan enact*, That the township of Glencoe, in the county of Lake, shall be and is hereby authorized and empowered to bring suits for and collect all funds belonging to School District Number One, in said township. Such suit or suits shall be brought in the name of the township of Glencoe, but shall be for the benefit, and at the expense of said school district, and the costs, if any, shall be paid from any funds now held by, or that may hereafter come into the hands of the treasurer of said township belonging to said district.

Authorized to
collect funds.

Suits, how
brought.

SEC. 2. The supervisor of said township is hereby authorized and directed, if in his judgment he deems it proper, after an investigation of the circumstances and consultation with the legal adviser of said township, and the prosecuting attorney of said county of Lake, to institute criminal proceedings against any person or persons who shall appear to him to have been guilty of the embezzlement of any funds or property belonging to said school district.

Supervisor to
institute pro-
ceedings.

SEC. 3. The real estate, books, furniture, and personal effects of every nature belonging to said district shall be and are hereby given to the custody and control of the treasurer of said township, and his successor in office, who is hereby made custodian and trustee for that purpose, for the benefit of said district, under the direction of the township board of said township. All funds belonging to

Property of dis-
trict to be
placed in cus-
tody of town-
ship treasurer.

Trust fund.

School District Number One, which are now in the hands of said township treasurer, or that may hereafter come into his hands, or into the hands of his successors in office, either as a result of the suits hereinbefore provided for, or in any other manner, shall constitute a trust fund for the benefit of said school district, and said treasurer, and his successors in office, are hereby directed and empowered to receive, hold, or loan the same as such a fund for the benefit of said school district, under the direction of the township board of said township.

When township treasurer to turn over property to district.

SEC. 4. Whenever the organization of said school district is revived, and the township board of said township shall become satisfied that officers of the district have been legally elected, and have entered upon the duties of their respective offices, said board shall direct the township treasurer to turn over to said district all moneys and property of every description belonging thereto.

Compensation of treasurer.

SEC. 5. The township board of said township shall allow to the township treasurer, from time to time, such reasonable compensation for the duties to be performed by him under the provision of this act, as they may think proper, and may require of said treasurer a bond in such reasonable penalty as they may think proper, not exceeding double the sum of the value of the property thus held by him, for the faithful performance of his trust, with such surety or sureties as they may deem proper.

Ordered to take immediate effect.

Approved March 24, 1885.

[No. 292.]

AN ACT to amend section three of title two; sections fourteen and eighteen of title three; sections twelve, twenty-three, and thirty-three of title four; section twenty-two of title five; sections one, two, and four of title six, and section ten of title ten of an act entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incorporate the city of Grand Rapids, approved April two, eighteen hundred and fifty,' as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred seventy-seven, as amended by act number three hundred and seventy-nine of the session laws of eighteen hundred seventy-nine, approved May twenty-three, eighteen hundred seventy-nine, as amended by act number three hundred and sixty-five of the session laws of eighteen hundred eighty-one, approved April twenty-nine, eighteen hundred eighty-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of title two; sections fourteen and eighteen of title three; sections twelve, twenty-three, and thirty-three of title four; section twenty-two of title five; sections one, two, and four of title six, and section ten of title ten of an act entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act

entitled 'An act to incorporate the city of Grand Rapids, approved April two, eighteen hundred fifty,' as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred seventy-seven, as amended by act number three hundred and seventy-nine of the session laws of eighteen hundred seventy-nine, approved May twenty-three, eighteen hundred seventy-nine, as amended by act number three hundred and sixty-five of the session laws of eighteen hundred eighty-one, approved April twenty-nine, eighteen hundred eighty-one, be and the same are hereby amended so as to read as follows:

TITLE II.

SEC. 3. At the first annual election to be held in said city after the passage of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city by the electors thereof voting in their several wards, who shall hold his office for the term of two years. There shall be elected annually in each ward, by the electors thereof, one supervisor, one collector, and one constable for the term of one year. And there shall be elected annually by the electors of the whole city, voting in their respective wards, one mayor and one marshal, who shall each hold their office for one year. At the first annual election after the passage of this act, there shall be elected by the electors of the whole city, voting in their respective wards, a "board of review and equalization," whose duties it shall be as hereinafter specified, and who shall hold their offices for the term of one, two, and three years, respectively, and the term for which the person voted for is intended shall be designated on the ballot, and one shall be elected at the annual election each year thereafter, to hold his office for the term of three years. At the first annual election after the passage of this act, and at the annual election every second year thereafter, there shall be elected in said city, by the electors thereof voting in their respective wards, one treasurer, one clerk, one director of the poor, and one comptroller, who shall each hold his office for the term of two years: *Provided*, That the person elected director of the poor at the annual election held on the first Monday in April, eighteen hundred eighty-five, shall hold his office for the term of one year: *Provided, further*, That all persons now holding elective offices in said city shall continue to hold their several offices for the remainder of their unexpired term.

Alderman, election of.

Officers to be elected.

Proviso.

Further proviso.

TITLE III.

SEC. 14. Where, by the provisions of this act the common council have authority to pass ordinances on any subject, they may prescribe a fine, penalty, or forfeiture, not exceeding five hundred dollars (unless the imposition of a greater penalty, fine, or forfeiture be herein otherwise expressly provided) for a violation thereof, and may provide that the offender or offenders, on failure to pay the fine, penalty, or forfeiture imposed, shall be imprisoned at hard labor in the county jail of Kent county, or any city penitentiary, jail, workhouse,

Fine and imprisonment.

or almshouse, or Detroit House of Correction, or in the State House of Correction at Ionia, for any term not exceeding one year, and said fines, penalties, and forfeitures may be sued for and recovered with costs, in the name of the city of Grand Rapids, which said suit may be commenced by summons or warrant, in the police court of said city, and said council may prescribe such imprisonment, with or without a fine, as a penalty for the violation of such ordinances. For the recovery of fines, penalties, or forfeitures against railroads or other corporations, imposed by virtue of the provisions of any ordinance of the common council or of this act, suit may be commenced as aforesaid and prosecuted in the superior court of Grand Rapids. It shall be the duty of the keeper of said county jail of the county of Kent, or of any city penitentiary, or jail, workhouse, or almshouse of the city of Grand Rapids, or other person having charge of such offenders therein, whenever any of them shall be sentenced to hard labor, and any mode of labor shall be provided by said city, to cause them to be kept constantly employed during every day they are well and able to work, except Sunday, for at least ten hours each day, and to account to the common council of said city for the proceeds thereof, at such times as the common council may direct. And if any such offenders shall be refractory or shall refuse to obey the orders of such keeper or other person in charge in relation to such work, he may cause him or them to be kept in solitary confinement not more than ten days for any one offense, and during such confinement shall be fed on bread and water only: *Provided, however,* That nothing herein contained shall be construed to interfere with or in any manner modify or affect existing laws relating to those places of imprisonment aforesaid, or their government, which are located beyond the limits of the county of Kent.

Proviso.

City cemetery.

Jails, etc.

SEC. 18. The common council shall have the power to purchase, hold, and use a suitable lot or lots of land within or without the corporate limits of said city, for the purpose of a city cemetery or cemeteries. It shall also have power to purchase, hold and use suitable grounds within or without the said corporate limits, for the purpose of establishing buildings and maintaining thereon suitable jails, workhouses, and houses of correction for the confinement of offenders, and may provide for the government of the same and of the persons confined therein.

TITLE IV.

City attorney.

SEC. 12. The city attorney shall conduct and try all cases wherein the city or board of education is a party, in any court of record in this State, or in the circuit courts of the United States, and shall perform such other duties as usually devolve upon an attorney and counselor at law connected with the business of the city. He shall also perform such duties of a professional character, and exercise such powers connected therewith as shall be assigned to him by the common council. He shall be the legal adviser of the common council and the officers of said city, and of the several boards

thereof, and of the board of education of said city, and in general shall have charge of the law department of said city. He shall not engage in any other business connected with his profession during his term of office, and shall devote his time to the duties of his office. The common council shall provide and suitably furnish for him an office, and such clerical assistance as may from time to time be necessary. Upon his appointment to said office, or as soon as necessary thereafter, he may nominate an assistant city attorney, which said nomination will be subject to confirmation by the common council, the same as other appointive officers. The salary of such assistant shall be fixed and determined by the common council when the appointment is made. Said assistant shall perform such duties as shall be assigned to him to perform by the city attorney, or by the common council. Said city attorney shall be appointed by a majority of all the members elect of the common council, on the nomination of the mayor, and shall hold his office for the period of two years, anything in the charter of said city to the contrary notwithstanding. Said city attorney shall be appointed on the first Monday in May after the passage of this act, and on the first Monday in May every second year thereafter, or as soon as may be after that time.

Assistant city attorney.

SEC. 23. The police officers and police constables of said city, in addition to the powers, duties, and authority possessed by them at common law, and the laws of this State, in matters of a criminal nature, shall have the power to, and may arrest without process, all persons who shall, in the presence of the arresting officer, be engaged in the violation of any ordinance of the common council of said city, or of the penal provisions of this act, and such persons may be detained in custody until complaint can be made and process issue for their arrest and trial; and it shall be the duty of such officer to make such complaint, and procure such process from the proper court as speedily as possible after such arrest.

Police, powers and duties of.

SEC. 33. The common council shall, annually, determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed, and which shall be as follows, to wit: To the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding one thousand dollars per annum; to the city treasurer, a sum not exceeding four hundred dollars per annum; to the city marshal, for services performed, other than the collection of taxes, a sum not exceeding two dollars per day; to each alderman of said city, a sum not exceeding two hundred dollars per annum; to each of the commissioners of the city cemeteries, a sum not to exceed one hundred dollars per annum; to the city comptroller, such sum, not to exceed twelve hundred dollars per annum, as they shall deem just; and to the city attorney, such sum, not to exceed twenty-five hundred dollars per annum, as the council may deem just; and they may also establish the fee or salary to be paid to all other officers whose fees or salaries are not prescribed by law for services performed for said city, in all cases where such fee or salary is to be paid from the city treasury. The clerk of said city is hereby authorized to administer

Salaries to be determined by the common council.

all oaths required to be administered by the provisions of this act, but shall receive no compensation from said city therefor.

TITLE V.

Interest and
other liabilities,
how paid.

New bonds, 20
years' time.

Two mill tax.

Sinking fund.

SEC. 22. The common council shall, in each year, provide for the payment of the interest on the bonded debt, or other liabilities of the city drawing interest, by taxation on the real and personal property in the city, if other resources are insufficient, and shall provide for the prompt payment of the principal of such bonded indebtedness, or other liability, as it matures. For that purpose the common council may issue new bonds bearing a legal rate of interest, and having not more than twenty years to run, and dispose of the same, or it may, at its discretion, levy and collect a tax, not exceeding in any one year, two mills on the dollar, on the real and personal property in the city, which tax, when collected, shall be used exclusively, first, for the payment of matured liabilities, or liabilities maturing within the year in which the tax was levied; and, secondly, the common council may order the purchase of unmatured bonds or other liabilities, or establish a sinking fund to meet the same, or deposit the money so raised in such bank or banks as will pay satisfactory interest thereon, and give satisfactory security therefor, until such time as liabilities of said city may mature, or can be purchased on terms satisfactory to the common council.

TITLE VI.

Highways,
streets, etc.,
care of, etc.

SECTION 1. The common council shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds in said city, and it shall be their duty to give directions for the repairing, preserving, improving, cleansing, and securing of such highways, bridges, lanes, alleys, parks, and public grounds, and cause the same to be repaired, cleansed, improved, and secured, from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks, and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, alleys, lanes, or public grounds so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the clerk, by the order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described. Power and authority is hereby conferred on the board of public works of the city of Grand Rap-

ids to establish dock and building lines on the shores and margin of Grand river, within the corporate limits of said city, and in the waters, and on the bed of said river, along said shores and margin; beyond which said lines, when so established, no dock, wharf, building, or structure of any kind except public bridges, shall be constructed in said river, or on or over the bed thereof; nor shall the waters be in any manner obstructed beyond such established lines. Said common council is hereby authorized to enforce the power hereby granted, relating to the establishment of said lines, by ordinances duly enacted in that regard, and may impose appropriate penalties for that purpose, within the limits prescribed by the charter of said city; or the ordinances or regulations of said common council in relation thereto may be enforced at the suit of said city, by bill in equity.

Dock and building lines.

SEC. 2. The board of public works of said city shall have power and are empowered to grade, gravel, raise, level, repair, amend, pave, or cover with broken or pounded stone, plank, or other material, all streets, alleys, lanes, highways, public grounds, or sidewalks, in said city; and such designated portions of any street, alley, lane, or highway in said city, as the common council, by a majority vote of all the members elect shall, by a resolution, declare to be a necessary public improvement, whether the same has previously been graded, graveled, raised, leveled, repaired, amended, paved, or covered as aforesaid, or not: *Provided*, That the common council shall not have authority to declare the grading or paving of the whole of any street, lane, alley, or highway, a necessary public improvement, unless it shall have been petitioned so to do by the owners of a majority of all property on said street, lane, alley, or highway, or designated portion thereof proposed to be improved, residing in the city of Grand Rapids, after the grade shall have been established, and the expense estimated as aforesaid. But this proviso shall not apply when said common council shall, by a unanimous vote of all the members elect declare such grading or paving a necessary public improvement: *Provided further*, That in all cases in which the grade of any street or alley has been established, and said street or alley has been graded by the proper authorities of said city, and the grade thereof afterwards altered by the city, the owner of any lot or parcel of land who shall be injured by any such alteration of said grade, shall be entitled to compensation therefor: *And provided further*, That any such person, owning property upon such street or alley, may, at any time after the commencement of such work, and within twenty days after its completion, and not thereafter, file his claim for damages with the clerk of the superior court of Grand Rapids, whose duty it shall be to forthwith notify the city attorney of such claim made against said city, and that within ten days thereafter said city attorney shall file in the office of said clerk a statement of the reasons why such claim should not be allowed in whole or in part, and cause to be served upon claimant, or his attorney, within the same time, a copy thereof, and after the formation of such issue, upon the motion of either party, the said court shall make an order, after five days' notice thereof in

Board of public works, power of in regard to streets, etc.

Proviso.

Further proviso.

Further proviso.

Jury to determine damage for street grading.

Second jury may be impanelled.

Clerk to certify determination to council.

Common council to determine district benefited.

Assessment, how made and collected.

Damages, to whom paid.

Assessment to defray expenses of public improvements.

Map or profile of proposed improvement.
Vacancy in board of review, how filled.

writing, to the other party, that a jury be empaneled, and such jury shall be summoned and empaneled in the same manner as is required by section six of act number one hundred and twenty-four of the session laws of eighteen hundred eighty-three, and such jury shall be sworn as in the trial of ordinary civil causes, and that the trial of said issue, as far as the same shall be applicable, shall be the same as is provided in sections seven, nine, eleven, twelve, thirteen, and fourteen of said act one hundred and twenty-four, of the laws of eighteen hundred and eighty-three, and the appeal from any decision therein, to the supreme court, may be taken in the same manner as therein provided. It shall be competent for one jury, empaneled as aforesaid, to hear, try, and determine all issues for damages arising from the grading of any one street or alley, in one proceeding. In case of disagreement, another jury may be empaneled, and as often as may be necessary, until an agreement is reached. When the claim, or several claims for damages upon any street or alley have been finally determined, as aforesaid, the clerk of said court shall certify the same to the common council, and thereupon it shall be the duty of said common council to ascertain, determine, and define a district in said city which, in their judgment, is benefited by said improvement, out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in such district, in proportion, as near as may be, to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement out of which said damages arise. The assessment shall be made, and the amount levied and collected in the same manner as other improvements, and all the provisions of the charter of said city relative to such assessment and collection thereof, and the sale, and the redemption from sale of property thereon, shall apply hereto. Such damages, when collected as aforesaid, shall be paid to the person or persons to whom the same were awarded.

SEC. 4. The common council shall thereupon make an order reciting the public improvements so as aforesaid intended to be made, the amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, directing the board of review and equalization, who are by this act constituted commissioners to make such assessments, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by making such improvements, which order shall be certified by the clerk of the city, and delivered to one of said commissioners, together with a map or profile of the proposed improvement, in cases where the same is practicable. If any member or members of said board of review and equalization shall be unable, from any cause, to perform the duties of his office, or if a vacancy shall occur in said board, the common council is hereby authorized to designate and appoint a proper person or persons as commissioner or commissioners, to act with the remainder of said

board in making such assessments, who shall qualify in like manner and be subject to the same duties. The commissioners aforesaid, the common council first assenting thereto, are hereby authorized to employ such clerical assistance in the discharge of their duties as may be necessary.

TITLE X.

SEC. 10. The revenues and moneys of the corporation shall be divided into the following funds, viz.:

Revenues and
moneys divided
in the different
funds.

First, General fund, which shall be devoted to the payment of the expenses of the city, for the payment of which, out of some other fund, no provision is herein made;

Second, Contingent fund, to defray the contingent expenses of said city;

Third, Sinking fund, to pay the funded debt, and interest thereon, of said city;

Fourth, Fire department fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of said city;

Fifth, Poor fund, to defray the expenses of providing for, and taking care of the poor of said city;

Sixth, Highway fund, to defray the expenses of keeping in repair the streets, highways, lanes, alleys, pavements, and cross-walks of said city;

Seventh, Sewer fund, to defray the expenses of cleaning and keeping in repair the sewers of said city;

Eighth, The public building fund, for the purchasing any real estate, for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing, and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for;

Ninth, Superior court fund, to maintain the superior court;

Tenth, Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from any of the funds above constituted or raised; and said common council are expressly prohibited from transferring any money whatever from any of the funds above constituted or raised, to any special fund, except for the purposes as in this charter expressly stated.

This act is ordered to take immediate effect.

Approved March 25, 1885.

[No. 293.]

AN ACT to create a board of public works for the city of East Saginaw, Michigan, and to define its powers and duties, and to repeal all laws in conflict therewith.

SECTION 1. *The People of the State of Michigan enact*, That there

Board of public works.	shall be created and constituted a board of public works in and for the city of East Saginaw, composed of five members, qualified
How appointed.	electors of said city, who shall be appointed by the common council of said city upon the nomination of the mayor, and who shall
When to be appointed.	serve without compensation. The members first composing such board shall be appointed within twenty days from the time this act shall take effect, and hold their office, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from the date of their appointment, and said common council shall annually thereafter appoint, upon the nomination of the mayor, a member of such board for the term of five years. The members first
When to organize.	appointed under this act, shall, within ten days from the date of their appointment, or such future time as the common council shall fix, meet and organize the said board of public works by the election of one of their number as president; and the common
To furnish office, stationery, etc.	council shall thereupon, and at all times thereafter, provide the board with suitable office room for its meetings and business uses, and supply record books, stationery, and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board.
Supervision and charge of construction of sidewalks, etc.	SEC. 2. Said board of public works shall (after the said public improvements have been first duly ordered by the common council), have supervision and charge of the construction and repair of all sidewalks, cross-walks, culverts, bridges, docks, fountains, and reservoirs; the construction, repair, and extension of all main and lateral sewers and drains; the erection, alteration, and repair of all engine houses, police stations, city halls, and other public buildings of every description, in said city, except school-houses and buildings for water-works; the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, paving, planking, graveling, or covering with other material of all streets and alleys; the laying out and improvement of all parks and public grounds; and shall, in addition thereto, exercise such other powers, and perform such other duties, in the superintendence, construction, and care of public works and improvements, as the common council may from time to time direct.
Duty of board of public works.	SEC. 3. Whenever the common council of said city shall have decided upon the making of any such public improvement, it shall so declare by resolution, and the board of public works, with all convenient dispatch, shall determine as to the particular kind, and estimate the quantity of materials to be used therefor, and estimate in detail the probable cost and expense of such work and of the material to be used therein, and make a record thereof in their office, and cause to be prepared, so far as necessary, plans and specifications for such work or improvement, and report their determination and estimate to the common council. When such plans and specifications have been submitted to the common council, and adopted by it, the said board of public works shall, except in the
Advertisement for proposals.	

case of the cleaning and deepening of ditches and gutters, and the repair of streets and sidewalks, advertise for proposals for the furnishing of material, and for the performance of such work, and may require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board, together with its recommendation in respect thereto, to the common council; and no contract shall be let by the said board, until it is thereunto duly authorized by the common council.

Bids to be publicly opened.

SEC. 4. All contracts made by said board shall be in the name of the city of East Saginaw, be first approved as to form by the city attorney, and be executed by the president and clerk of said board; and when made, such board shall in behalf of the city, have direction of the performance thereof. The board shall reserve the right in all contracts to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; and in case of the improper, dilatory, or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same, if improperly done, to relet the work covered by said contract, or any unfinished portion thereof, or by its employes, to take possession and complete the same, at the expense of the contractor. It shall also have the right by proper provisions in all contracts, to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work; and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and charge the amounts so expended against the contract price. Said board of public works is hereby authorized to commence and prosecute in the name of said city any suits or proceeding for the recovery of damages for the breach of any such contract entered into by said board, or to enforce the performance of any such contract.

Contracts must be in the name of the city; by whom approved and executed.

Reserved right of the board in contracts.

Suits by.

SEC. 5. Said board shall have the power to appoint, subject to the approval of the common council, a city engineer, who shall hold office during the pleasure of the board, shall make all surveys required for the laying out, construction, alteration, repair, and improvement of streets, sewers, water mains, cemeteries, parks, public grounds and buildings, and prepare all necessary plans, profiles, and specifications therefor; and perform the civil engineering work of said city of every description, as required by the common council, the said board of public works, or by any other lawful authority of said city. Said engineer may, subject to the approval of the board of public works, appoint such assistants under him as are required for the proper and prompt performance of his duties, and discharge such assistants at pleasure. Said board shall also have the power to appoint suitable persons who shall have the personal supervision of the construction and repair of public buildings; the grading, paving, improving, cleaning, and care of streets, alleys, and public grounds; the construction and repair of sidewalks; and the cleaning

City engineer.

Assistant.

Supervision of public buildings, etc.

Compensation of engineer, etc.	and deepening of ditches, drains, and gutters; and also such other subordinates as may be necessary to enable the board to properly perform the duties devolving upon it. Said board shall recommend, but the common council shall have the power to fix, and shall fix the compensation of said engineer and other appointees of said board; and all claims for the same shall, when certified by the board, be submitted to the common council for allowance and payment in the same manner as other claims against the city.
Accounts to be kept in detail and report made, when.	<p>SEC. 6. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, superintendence, and salaries of employés, and also detailed accounts of all other matters under its charge and control, and upon the first Tuesday of January in each year, and oftener, if required by the common council, submit to it, a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon; and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and materials furnished, and report the same to the common council; and thereupon it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds of the amount so reported.</p>
Estimates.	<p>SEC. 7. The city attorney shall act as legal adviser of said board; and the city clerk shall be by himself or his deputy, by him to be appointed, the clerk thereof; and shall keep a full record of its proceedings, showing the vote by ayes and nays of each member upon every motion brought before or determined by said board; which record shall at all times be open to public inspection; and a copy thereof published within five days after each session, in the official newspaper of the city. A majority of the board shall form a quorum for the transaction of business; but a majority of all members constituting said board shall be necessary to decide any questions before the same. The board shall have the power to make all such by-laws, rules, and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and any time to suspend or discharge any of its appointees or employés, and appoint or employ others in their place, as to the said board the public interest may seem to require. In case of the removal of the city engineer by the board, the appointment of his successor shall be subject to the approval of the common council.</p>
City attorney and clerk of board, duties of.	<p>SEC. 8. All members of the said board shall, before entering upon the duties of their office, execute a bond to the city of East Saginaw in the sum of five thousand dollars, conditioned for the faithful performance of the duties of said office with sureties to be approved by the common council; and any member of said board who shall fail or neglect to give such bond within ten days after his appointment as a member thereof, shall be deemed to have resigned his office; and the vacancy thereby created may be filled by appointment of</p>
Quorum.	
By-laws, etc.	
Powers and duties of board.	
Approval of council necessary.	
Bond of members of.	

the common council, upon the nomination of the mayor, as in other cases.

SEC. 9. No member of said board shall hold any elective office under the charter of said city during continuance as a member of said board; and his election to and acceptance of any office in said city shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city; nor in the purchase, sale, or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed by the common council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That the charges against the said member sought to be removed, and the notice of the time and place of hearing the same shall be served on him at least ten days previous to the time so assigned, and an opportunity given him to make his defense. Whenever a member shall be removed, or a vacancy in said board shall occur by reason of the removal of any member thereof from said city, failure to execute the proper bond, resignation, death, or otherwise, the same shall be filled for the unexpired term, by appointment of the common council, upon the nomination of the mayor.

Member of board can not hold elective office.

Or be interested in contract.

Removal.

Proviso.

Vacancy, how filled.

SEC. 10. The offices of city surveyor and street commissioner, and the board of sewer commissioners and sewer engineer are abolished; and all the duties heretofore performed, and all powers heretofore exercised by said officers and board, or any member thereof, are hereby transferred to and devolved upon said board of public works.

Offices abolished.

All books, surveys, field notes, plats, plans, specifications, and other records of every description, in the custody of said city surveyor, street commissioner, or board of sewer commissioners, shall forthwith, on the organization of the board of public works, be delivered to it, and the same, together with all future surveys, surveyors' field notes, plats, records, plans, profiles, and other papers connected with the work of the board, shall belong to the city, and be carefully preserved as public records. All contracts for public improvements heretofore lawfully entered into by any person with the city, or any lawfully authorized board or officer thereof, shall be carried out and completed under the direction of the said board of public works.

Books, etc., to be delivered to.

Contracts to be carried out.

SEC. 11. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Acts repealed.

Ordered to take immediate effect.

Approved March 26, 1885.

[No. 294.]

AN ACT to correct the records and legalize the proceedings had in laying out certain drains in the township of Warren, in the county of Midland.

Legalizing the proceedings in laying out certain drains.

SECTION 1. *The People of the State of Michigan enact*, That all the proceedings had in the laying out, establishment, construction, and recording of all the proceedings in the construction of certain drains in the township of Warren, in the county of Midland, known as follows, to wit: Drain Number Three; the Simons Drain, or Drain Number Four; Miller Drain, or Drain Number Five are hereby declared to be legalized, and stand as though the order of the drain commissioner establishing, and the release of right of way procured (which releases have since been procured), and the returns of said commissioner fully made, and all proceedings properly recorded in the office of the township clerk of said township. And the taxes assessed upon the roll of the said township of Warren, for the year eighteen hundred and eighty-three, for the construction of said drains, are hereby declared to be a legal and valid lien upon the property assessed for the full amount of such taxes, as though the proceedings heretofore had were regular in every respect and particular.

This act is ordered to take immediate effect.

Approved March 26, 1885.

[No. 295.]

AN ACT to authorize the board of water commissioners of the city of East Saginaw to borrow money to lay water pipe.

Authorized to issue bonds.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of laying water pipe, the board of water commissioners of the city of East Saginaw are hereby authorized to issue bonds to the amount of not exceeding seventy thousand dollars, pledging the faith of the city for the payment of the principal and interest.

To be submitted to the people.

SEC. 2. The question of issuing bonds for the purpose aforesaid, shall be submitted to the people of the city, at the annual charter election to be held in April, eighteen hundred and eighty-five, or at some special election to be called for that purpose; such special election to be called as other special elections in said city. The ballots shall be "Water loan—Yes," if in favor of the loan, and if opposed to the loan, "Water loan—No." The election shall be held and conducted, and the ballots shall be canvassed the same as is provided in the charter of said city for the election of city officers. If a majority of those voting on the question of such loan vote in favor of the loan, the board of water commissioners may issue and sell the bonds from time to time as it may deem necessary for the purpose aforesaid.

SEC. 3. The bonds so issued shall be executed, and the principal and interest paid as provided for as to other bonds issued by said board of water commissioners. Bonds and interest.

SEC. 4. This act is ordered to take immediate effect.

Approved March 26, 1885.

[No. 296.]

AN ACT to incorporate the city of Albion, in the county of Calhoun.

CHAPTER I.

INCORPORATION.

SECTION 1. *The People of the State of Michigan enact*, That the corporation heretofore created and known as the village of Albion, and the inhabitants thereof, shall be and are hereby created and constituted a corporation by the name of the city of Albion, and by that name may sue and be sued, implead and be impleaded, complain and defend in any and all courts of law and equity; may have a common seal, and alter it at pleasure; and may take, hold, purchase, lease, convey, and dispose of real, personal, or mixed estate for the use of said corporation. Incorporation of.

CHAPTER II.

BOUNDARIES AND WARDS.

SECTION 1. The tract of country in the townships of Albion and Sheridan, in the county of Calhoun, and State of Michigan, and designated as follows, viz.: Sections two and three, in township three south, of range four west, and the south three-fourths of sections thirty-four and thirty-five of township two south, of range four west, shall be and the same are hereby constituted a city corporate, under the name of the city of Albion, and subject to the municipal control of said corporation. Territory incorporated.

SEC. 2. The said city of Albion shall be divided into four wards Wards. as follows, to wit: The first ward shall consist of all that part of the city of Albion lying north of the south line of Center street and west of the center of Superior street, and the lines of each of these streets extended west and north to the corporation lines. The second ward shall consist of all that part of said city lying north of the south line of Center street extended east to the Jackson road, and thence northeasterly along the center line of said road to the east line of said city, and east of the center line of Superior street. The third ward shall consist of all that part of said city lying south of the south line of said second ward of said city, and east of the center of Superior street, and extended southerly on the center line of the present highway, to the south line of said city of Albion. The fourth ward shall consist of all that part

of said city lying south of the south line of Center street extended west to the corporation line, and west of the line of the third ward of said city of Albion.

CHAPTER III.

OFFICERS OF THE CITY.

Officers.

SECTION 1. The officers of said city shall be a mayor, city clerk, city marshal, city treasurer, four justices of the peace, a health officer, and such other officers to be appointed by the city council as may be necessary to carry out and make effective the provisions of this act; and in each ward of said city two aldermen, a supervisor, and a constable shall be elected.

CHAPTER IV.

ELECTIONS.

First election.

SECTION 1. The electors of each ward in said city shall meet for their first election on the first Monday in April, eighteen hundred eighty-five, at the following places in the respective wards designated by this act: For the First ward, at the Union hotel; for the Second ward, at the common council rooms; for the Third ward, at the shoe-shop of B. F. Davis, on Erie street, and for the Fourth ward at the agricultural store of C. H. Mann, all in said city of Albion. The common council of the village of Albion shall, by resolution, designate three suitable electors in each of said wards to act as inspectors of election, who shall have the same powers as inspectors of election as are given to the supervisors and aldermen of each ward under this act.

City officers.

Said electors shall, by plurality of votes, elect one person as mayor of said city, one person as city clerk, and one person as treasurer, who shall respectively hold their offices for one year from and after the second Monday in April immediately following this election, four persons as justices of the peace, one of whom shall hold his office for four years, one for three years, one for two years, and one for one year from and after said second Monday in April, and whose terms of office shall be designated on the ballots, one person from each ward as supervisor of the same, who shall hold his office for one year from and after said second Monday in April, and two persons from each ward as aldermen, one of whom shall hold his office for the term of one year from and after said second Monday in April, and one for the term of two years from and after said day, and who shall be respectively designated upon the ballots as alderman for long and for short term, and one person from each ward as constable, who shall hold his office for the term of one year from and after said second Monday in April; and annually thereafter, at the polling places of the respective wards, there shall be elected one person as mayor, one person as city clerk, and one person as treasurer, who shall respectively hold their offices for one year from and after the second Monday in April following their election, and one person as justice of the peace, who

Term of office.

shall hold his office for four years from and after said second Monday in April, and also annually thereafter, there shall be elected in each ward, one person as supervisor of the same, who shall hold his office for the term of one year from and after said second Monday in April, and one person as alderman from each ward, who shall hold his office for the term of two years from and after said second Monday in April, and one person from each ward as constable, who shall hold his office for the term of one year, from and after said second Monday in April. The mayor and aldermen so elected at any City council. election, together with the aldermen holding over, shall be and constitute the city council during the existence of the corporation, and a majority of such mayor and aldermen shall constitute a quorum.

SEC. 2. If an election of mayor, aldermen, and other officers shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that reason be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular elections. Election may be held at other than time specified.

SEC. 3. Notice of the time and place for holding any election, and of the officers to be elected, and the questions or propositions, if any, to be voted upon, shall, except as otherwise provided for, be given by the city clerk at least ten days previous to such election, by posting such notice in three public places in said city, or by publishing a copy thereof in a newspaper printed and published in said city the same length of time before election; and in case any question or proposition is to be voted upon, such notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing the election. Notice of election.

SEC. 4. Special elections may be appointed by resolution of the city council and held at the polling places in the respective wards in said city. The purpose and object of all special elections shall be fully set forth in the resolution appointing the same. Special election.

SEC. 5. On the day of election the polls shall be opened at eight o'clock in the forenoon and closed at five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors of election shall cause proclamation to be made of the opening and closing of the polls. Polls, open and close.

SEC. 6. The inspectors of election may employ one or more polling clerks, to assist at elections, who shall receive such compensation as the city council may prescribe. Clerks at elections.

SEC. 7. The inspectors and clerks of election shall take an oath, to be administered by any person authorized to administer oaths, to honestly and faithfully discharge their duties as such inspectors and clerks of election. All elections in the city shall be conducted, as near as may be, in manner provided by law for holding general elections in townships throughout the State, except as herein otherwise provided, and the inspectors of elections shall have the same powers and authority to preserve the purity of election, maintain good order, and to enforce obedience to their lawful commands during the time of holding any election, and the canvass of the votes cast thereat, as is now or may hereafter be given to township boards. Oath of inspectors and clerks. Manner of conducting elections.

of election by the general statutes of the State, and shall perform the same duties as inspectors of election as township inspectors of elections.

Canvass of
votes and state-
ment.

SEC. 8. Immediately after closing the polls, the judges of election shall, without adjourning, canvass the votes received by them at the polling places of their respective wards and declare the result; and shall on the same day, or on the next day, make a statement in writing, setting forth the whole number of votes cast for each office, the names of the persons for whom such votes for each office were cast, and the number of votes so given for each person; and if any proposition or question shall have been voted upon, the whole number of votes given upon such question or proposition, and the number given for and against the same, which statement shall be certified under the hands of the inspectors of election to be correct, and they shall thereupon, on the same day, deposit such statement, together with the poll lists and ballots cast, in the office of the city clerk. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the city board of canvassers, and shall canvass the returns from the respective wards, and declare what officers have been elected in said wards and in the city, and file a statement of the persons so declared elected by them, and the number of ballots cast for each, with the city clerk. It shall be the duty of the clerk to forthwith give notice in writing to the persons elected at any election, of their election. The persons declared elected by the inspectors of election, shall, from such declaration, be deemed to have been duly elected, unless for good and sufficient cause their election be held void.

Certificate.

City board, its
duties.

Clerk, his
duties.

City council to
convene when.

SEC. 9. The city council shall convene on the Monday next ensuing the annual election, at their usual place of meeting, and at such meeting the newly elected mayor and aldermen shall qualify and enter upon the duties of their offices. If any question or proposition shall have been voted upon at any election, it shall be the duty of the outgoing city council, at such meeting, to determine the result of such election on such question or proposition, from the statement filed by the canvassing board and cause the same to be entered in their records.

Duty of out-
going board.

In case of a tie.

SEC. 10. If at any election there shall be no choice for any office, by reason of two or more candidates having received the same number of votes, the outgoing city council shall, at the meeting mentioned in the preceding section, determine by lot between such persons, who shall be considered elected to such office.

Oath of office.

SEC. 11. Every officer of the city shall, before entering on the discharge of the duties of his office, take and subscribe and file with the city clerk, an oath or affirmation to support the constitution of the United States and of this State, and that he will, to the best of his ability, faithfully and impartially discharge the duties of his office, which oath or affirmation may be administered by the city clerk, or any qualified person authorized by law to administer oaths. Any person who shall neglect or refuse to take, subscribe, and file such oath or affirmation, as provided in this section, on or before the next meeting of the city council after receiving notice of elec-

tion, shall be deemed to have declined the office, and a vacancy may be declared therein and filled by the council.

SEC. 12. No person shall be elected to any office in said city or ward therein unless he shall be at the time of such election or appointment, an elector of said city or ward. The inhabitants of said city having the qualifications of electors under the constitution and general laws of the State, and no others, shall be electors therein.

Officer must be elector of.

Qualifications of electors.

SEC. 13. The president and board of trustees of the village of Albion shall provide by resolution in accordance, as near as may be, with State laws, for the registration of the qualified electors of each ward, at least ten days previous to the first election in this chapter specified, and thereafter it shall be the duty of the city council to prescribe by ordinance the manner of registration in the respective wards, as near as may be in accordance with State laws, at least ten days previous to the next annual election. The judges and inspectors of the first election herein provided for shall make returns of such election to the president and trustees of the village of Albion, in the same manner as judges and inspectors of subsequent elections are required to make returns to the city council; and said president and trustees, and the village recorder shall perform the same duties in relation thereto, as are provided in this act to be performed by the city council and city clerk in relation to subsequent elections.

Registration.

Election returns.

SEC. 14. In addition to the officers herein provided to be elected, the electors at each annual election, shall elect officers to fill vacancies in the instances specified in this act.

Vacancies.

SEC. 15. The supervisor shall be chairman of the board of inspectors in his ward, when he is present. If not present the board shall elect one of their number chairman. Said board shall consist of the supervisor and the two aldermen of each ward, two of whom shall constitute a quorum, and they shall be inspectors in their respective wards of all elections. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose *viva voce* such number of such electors as, with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors of the election during the continuance thereof.

Board of inspectors.

SEC. 16. In all elections other than city elections, the board of inspectors of election of each ward shall appoint one of their number to attend the county or district canvass.

County or district canvass.

SEC. 17. The city council shall provide, and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Ballot boxes.

SEC. 18. The ballots cast upon any question or proposition to be voted upon, shall be separate and shall be deposited in a separate box.

Ballots.

SEC. 19. All persons having the qualification of electors at general elections, and whose names are duly registered upon registers of voters of the ward in which they reside, and no others shall be

Electors.

entitled to vote at all elections in the wards in which they reside: *Provided*, That in the case of any elector whose name is not entered upon the register of voters of the ward in which he resides, upon a sufficient showing to the satisfaction of the inspectors of election, that such elector was necessarily absent from his ward, or unable from any cause to secure such registration at the time of the last session of the board of registration of such ward, such elector, desiring to vote at such election, shall then and there be entitled to registration and to record his vote in accordance with and under the provisions of laws of the State governing township elections.

CHAPTER V.

APPOINTMENT OF OFFICERS.

Appointment of
officers.

SECTION 1. The city council shall, at their first meeting held after the newly elected mayor and aldermen shall have qualified and entered upon the duties of their respective offices, in each year, appoint a marshal, health officer, and such number of policemen and special policemen and watchmen as they may deem necessary to protect the persons and property in said city, and to maintain good order therein. Appointments to office, which for any cause shall not be made at such meeting of the council, may be made at any subsequent meeting of the council, and nothing herein contained shall be construed to prevent the appointment, by the city council, in case of any emergency, of as many special policemen and watchmen as they may deem necessary. And said city council may create such other offices and appoint and compensate such other officers as may be necessary to execute the powers in this act conferred, and to enforce good government in said city.

Term of office.

SEC. 2. All officers appointed by the city council, except those appointed to fill a vacancy, shall hold their respective offices until the second Monday in April next after such appointment, and until their successors qualify and enter upon the duties of their office, unless a different term of office shall be prescribed in this act, or in the action of the council creating the office. Officers appointed to fill a vacancy, in appointive offices, shall hold their offices for the residue of the term in which the vacancy occurred.

Bond.

SEC. 3. Every person appointed to office by the city council, except special policemen and watchmen, shall, before entering upon the discharge of their duties, and within such time as the council may determine, file with the clerk of said city such bond or security, running to the city of Albion, as may be required by law, or by any ordinance or requirement of the city council, with such surety or sureties as shall be approved by said council, conditioned for the faithful and due performance of the duties of his office, except the bond or security given by the clerk shall be deposited with the treasurer of said city.

Idem.

SEC. 4. The city council shall judge of the sufficiency of the official bonds required by the preceding section, and of the sufficiency of the surety or sureties thereon, and may reject the same if deemed insufficient for any reason. Said city council may also, at

any time, require any officer to execute and file as aforesaid, additional or new official bonds or security with such new or further sureties as said council may deem requisite. Any failure to comply with such requirement, within such reasonable time as the council may determine, shall subject the officer to immediate removal.

SEC. 5. Suit may be brought by the city for any breach of any idem. official bond given to said city before any justice of the peace of the city of Albion or the circuit court of Calhoun county, according to the amount claimed, which courts are authorized to hear and determine the same, but this section shall not be deemed to take away the jurisdiction of any other court before which such action might be brought if this section had not been enacted.

SEC. 6. All officers appointed by the city council may be removed or Removal from office. suspended from office by said council, for official misconduct, incompetency, neglect of duty, or any unlawful act: *Provided*, That no Proviso. officer who has given an official bond as required by this act, or by any ordinance or requirement of the city council, shall be removed, without notice in writing of the charges against him and an opportunity given to be heard in his defense in person and by counsel, nor unless a majority of all the members of the council shall, after such notice and hearing, vote for such removal.

SEC. 7. Whenever any officer shall resign or be removed from Books, etc., to be delivered to successor in office. office, or the term for which he shall have been elected or appointed has expired, he shall deliver over to his successor or successors in office all books, papers, moneys, and effects in his custody as such officer, and in any way pertaining to his office. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for like offenses under the general laws of the State, and every officer elected or appointed under the provisions of this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

SEC. 8. The resignation, suspension, or removal of any officer Liability. from office shall not, nor shall the appointment of any other to fill the vacancy, exonerate such officer or his sureties from any liability incurred by him or them.

SEC. 9. If during his term of office, any officer of said city Vacancy in office. shall cease to be a resident thereof, or if any officer shall be a defaulter, his office may be declared vacant by the city council. If any person elected or appointed to office in said city shall fail to take and file the oath of office, or shall fail to give the bond or security required within the time limited therefor, the city council may declare the office vacant, unless previously thereto he shall file the oath and give the bond or security required.

CHAPTER VI.

POWERS AND DUTIES OF THE MAYOR.

SECTION 1. The mayor of said city shall be the chief executive Powers and duties of the mayor. officer thereof, and shall be, *ex officio*, a member of the city council.

Idem. SEC. 2. The mayor shall have power to, and shall appoint all standing committees. He shall preside at all meetings of the city council, and call special meetings of the city council whenever he shall deem it expedient, or whenever requested in writing by three or more aldermen. It shall be optional with the mayor to vote upon a measure, unless in case of a tie, in which case he shall cast the deciding vote.

Idem. SEC. 3. The mayor shall see that all by-laws, rules, regulations, and ordinances of said city are enforced, and he shall have authority at all times to examine and inspect the books, records, and papers of any agent, commissioner, and officer of the corporation pertaining to the duties and office of such persons, and shall have supervision and control of the marshal and police. He shall countersign all warrants and orders for money on the treasury of said city, and shall perform, generally, such duties as may be required of him by this act.

Idem. SEC. 4. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

CHAPTER VII.

DUTIES AND POWERS OF THE CITY CLERK.

**Powers and
duties of city
clerk.**

SECTION 1. The city clerk shall keep and have charge of the corporate seal, and all the documents, official bonds, and records of said city, not by this act or by the ordinances of said city entrusted to some other person; he shall be clerk of the city council, and attend all meetings of said council, record all its proceedings, ordinances and resolutions, and attend to the publication of all notices, ordinances, and regulations required to be published; give notice of special meetings, elections, and to persons elected; he shall sign and register all licenses granted, and shall, when required by the city council, for the use of the city, make and certify under the seal of the city copies of the records and papers filed and kept in his office, and he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have power to administer oaths and affirmations, and exercise such other powers as are provided in this act, or that may be by ordinance of the council prescribed.

Idem. SEC. 2. The city clerk, on demand and tender of fees therefor at the rate of twelve cents per folio, shall make and furnish a certified copy or transcript of any paper or record filed in his office or kept by him as such clerk, and all fees received by him therefor shall be the property of and belong to said clerk, in addition to his regular salary. Copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the city council certified by the clerk under the corporate seal of the city shall be evidence in all courts of this State, in like manner as if the originals were produced.

SEC. 3. The city clerk shall be the general accountant of the city, *Idem.* and all claims against said city shall first be filed with him for adjustment, and when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating therein the fund from which payment is to be made. When any tax or money shall have been levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which the same was levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

SEC. 4. The city clerk shall have charge of all the books, vouch- *Idem.* ers, and documents relating to the accounts, debts, and revenues of the corporation; he shall countersign and register all bonds issued; he shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, revenues, resources, and liabilities, with a detailed and proper classification thereof; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all warrants drawn thereon, keeping an account with each fund.

SEC. 5. The city clerk shall report to the city council, whenever *Idem.* required, a detailed statement of the receipts and expenditures, and financial condition of the city, and shall perform such other duties pertaining to his office as are required by this act, or as said council, by ordinance or resolution, may require.

SEC. 6. In case of the absence of the clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him, the city council may appoint one of their own number, or some other person, to perform the duties of the clerk for the time being. *Council may appoint in certain cases.*

CHAPTER VIII.

POWERS AND DUTIES OF THE CITY TREASURER.

SECTION 1. The treasurer of said city shall have the custody of all moneys, the clerk's bond and bonds other than official bonds, and all evidences of value belonging to said city. He shall receive all moneys belonging to and receivable by the corporation and keep a correct account of all receipts and expenditures. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor of said city, which shall specify the purpose for which the amount thereof and the fund from which the same are to be paid. He shall keep an account of, and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund upon which the warrant is drawn. *Powers and duties of city treasurer.*

SEC. 2 The treasurer of said city shall render to the city council, *Idem.* when required, a report of the amounts received and credited by him to each fund, and the amounts paid out by him and for what

purpose, from each fund, and the amount of money remaining in each fund on the day of each report.

Idem. SEC. 3. The treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers, upon settlement with the proper officers of the city, shall be surrendered to and filed with the city clerk.

Idem. SEC. 4. Said treasurer is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of indebtedness in his custody, or for his own use or benefit, or that of any [other] person; any violation of the provisions of this section shall work a forfeiture of his office, and the city council, on proof of the fact, are authorized to declare the office vacant, and to appoint a successor for the remainder of the term.

Idem. SEC. 5. The city treasurer shall whenever he shall act as collector of taxes, exercise such powers as are conferred by the general laws of the State upon township treasurers, and he shall perform such other duties pertaining to his office, as may be required of him from time to time by the city council, or by the provisions of this act.

CHAPTER IX.

JUSTICES OF THE PEACE.

Powers and
duties of jus-
tices of the
peace.

SECTION 1. Justices of the peace elected under this act shall have in all respects the same powers and duties and jurisdiction as justices of the peace of townships under the general laws of the State, and as if the city were a township, and shall be subject to all the general laws of the State in the same manner as other justices of the peace, except when in this act it is otherwise provided, or when the provisions of this act shall be inconsistent therewith.

CHAPTER X.

SUPERVISORS.

Powers and
duties of super-
visors.

SECTION 1. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying of taxes for all purposes in their respective wards as are imposed by law upon supervisors elected in townships, and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, so far as such powers and duties are required to be exercised in their wards, except as herein otherwise provided. Together with the aldermen of their wards, they shall constitute the board of inspectors of elections in their respective wards; they shall represent their several wards on the board of supervisors of the county of Calhoun and shall have equal rights and privileges with members of such board chosen by the respective townships of the county, and they shall perform such other duties as are required of them individually or collectively by any of the provisions of this act.

CHAPTER XI.

ALDERMEN.

SECTION 1. The aldermen of the respective wards shall be members of the city council, and exercise such powers and discharge such duties as are required by this act, or that may be prescribed by ordinance or resolution of the city council, and not inconsistent with this act. With the supervisor they shall constitute the board of inspectors of election in their respective wards; as conservators of the peace they shall aid in maintaining good order in the city, and in securing the faithful performance of duty by all officers of the city.

Powers and
duties of alder-
men.

CHAPTER XII.

CITY CONSTABLES.

SECTION 1. The constables of the several wards shall be vested with the same powers, exercise the same duties in every respect, and be governed by the same rules as are prescribed by law in relation to constables elected in townships in this State, and exercise such other powers as are conferred by this act.

Powers and
duties of con-
stables.

CHAPTER XIII.

POWERS AND DUTIES OF THE CITY MARSHAL AND POLICE.

SECTION 1. The city marshal shall be chief of police; he shall have the general supervision of the city and, subject to the mayor, he shall have the direction of the police of the city. As peace officer, he shall, within said city, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order.

Powers and
duties of mar-
shal and police.

SEC. 2. It shall be the duty of the marshal and police to see that all the ordinances and regulations of the city council, made for the preservation of good order, and for the safety and protection of the inhabitants of said city are promptly enforced.

SEC. 3. The marshal and police shall have and exercise within said city all the power given by law to constables, for the preservation of the peace and to apprehend and arrest offenders against the laws of the State. They shall have power to enter any disorderly or gaming house, or dwelling house, or any other building where a felon is known to be secreted or harbored, or where any person is who has committed any breach of the peace, or where any felony or breach of the peace is being committed. It shall be the duty of said marshal and police, and they are hereby fully authorized and required to suppress all riots, disturbances, and breaches of the peace, to arrest upon view all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State; and to take such persons before the proper officer or magistrate to be dealt with according to law; to make complaints before the proper officer or magistrate, of any person known or believed by them to be guilty of crime, or of

Idem.

Idem.

having violated any ordinance or regulation of said city, and to serve all process, writs and warrants that may be delivered to them for that purpose, or that may be required in any prosecution for the violation of any ordinance or regulation of said city. In prosecutions under any city ordinance or regulation of said city, the marshal and regular police thereof shall have the same powers and shall perform the same duties as are given to and performed by constables under the laws of the State; and generally they shall perform all such duties pertaining to their respective offices as may be required by the city council.

Powers of constables, sheriff and deputies.

SEC. 4. The constables of the city of Albion, the sheriff, and under sheriff of the county and deputies shall have the same powers to preserve good order and enforce the police regulations contained in this act or that may be enacted by the city council as are herein conferred on the marshal and police; and they shall have power to serve all process, writs, and warrants in any prosecution or suit under the ordinances of said city, and to perform such acts in relation thereto as they perform in civil and criminal cases under the general laws of the State.

CHAPTER XIV.

POWERS AND DUTIES OF THE CITY HEALTH OFFICER.

Powers and duties of health officers

SECTION 1. The health officer of the city shall have such powers and perform such duties as are conferred upon and required of health officers of townships appointed under the general laws of the State, and shall perform such other duties pertaining to his office as may be required by the city council.

CHAPTER XV.

POWERS AND DUTIES OF THE CITY COUNCIL.

Powers and duties of city council.

SECTION 1. The legislative control and authority of said city shall be vested in the city council. Said council shall have control of all the finances, rights, and interests, buildings and property, personal and real, belonging to said city, and may make such ordinances and by-laws, rules and regulations in regard to the same as said council may deem necessary for the care, protection, and use thereof, and shall have authority to enact all such ordinances, by-laws, rules, and regulations as may be necessary to carry into effect the powers by this act conferred, and to alter, amend, and repeal the same at pleasure.

Idem.

SEC. 2. Said city council shall have authority to adjust and settle all accounts and claims against said city, and no suit or action shall be maintained against said city on any account or claim until the same shall have been presented to said council, and said council shall have had an opportunity to pass upon the same.

Quorum.

SEC. 3. A majority of the city council shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

SEC. 4. In case of the absence of the mayor, or his inability to act for any reason, said council shall have power to select from its own number a president *pro tem.*, who shall have all the power and perform all the duties of the mayor for the time being. President pro tem.

SEC. 5. The said city council are vested with full power to appoint the city officers provided for in this act, to compensate the same from the funds of said city, and prescribe their powers and duties not specifically defined by this act. City officers.

SEC. 6. The city council shall hold stated meetings as often as once in each month, and may hold special meetings as often as necessary. The time of holding stated meetings shall be fixed and determined by said council, and if any stated meeting shall fall on a legal holiday, such meeting, by reason thereof and without further action by said council, shall stand adjourned until the next succeeding day upon which the same can be legally held. Within one week after each meeting of the city council all the proceedings taken thereat shall be published in at least one newspaper in said city. Stated and special meetings. Proceedings to be published.

SEC. 7. The city council shall have authority to appoint and compensate a civil engineer, who shall have such power and perform such duties pertaining to his office as the council may prescribe. Civil engineer.

SEC. 8. The city council shall have authority to appoint and compensate a suitable person as street commissioner of said city, or, in lieu thereof, one street commissioner for each ward of said city, who shall have such power and perform such duties pertaining to his office as the council may prescribe. Street commissioner.

SEC. 9. The city council may, if they deem it necessary, on the nomination of the marshal, appoint and compensate a deputy marshal, who shall be subject to the control of the marshal and have the same powers and perform the same duties as the marshal, and for whose acts the marshal shall be responsible. Deputy marshal.

SEC. 10. The city council may provide by ordinance for the registration, previous to any election, of the electors of said city. Registration.

SEC. 11. The city council shall have power to borrow money, for necessary expenses and public improvements in said city: *Provided*, That it shall not be lawful for said city council to borrow more than two thousand dollars in any one year, unless the question of raising a greater sum shall first be submitted to the electors of the several wards of said city, at its annual election or at a special election called for that purpose by the city council, and a majority of the qualified electors thereof, voting at such election, shall vote by ballot for the same. Power to borrow money. Proviso.

SEC. 12. The city council shall have power to investigate charges against any officer of the city, and such other municipal matters as they may deem proper to investigate. To enable said council so to do, any justice of the peace of the city of Albion is authorized, at the request of the council or the chairman of any investigating committee, to issue subpoenas or process by warrant to compel the attendance of persons and the production of documents, books, and Investigations. Witnesses to be subpoenaed by whom.

Oaths to be administered by whom.

papers before said council or committee; and the mayor of the city shall have like power to issue such subpoena and process.

SEC. 13. Whenever the city council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before such council or committee, the presiding officer of the council or chairman of such committee, for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel witnesses to testify as is conferred on justice courts.

Corporation property.

SEC. 14. The city council may acquire, purchase, improve, repair, erect, or lease all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate and property as may be necessary for public grounds, parks, commons, markets, public buildings, cemeteries, and other purposes necessary or convenient for the public good, and the execution of the powers by this act conferred; such buildings and grounds or any part thereof may be sold at either private sale or public auction, or leased, as occasion may require, by the city council: *Provided*, That no money shall be taken or appropriated from the funds of said city for the purpose of purchasing any building site, erecting any public building or establishing any park, common, public ground, or market, without the concurring vote of two-thirds of all the members of the city council.

Two-thirds vote.

Parks and public grounds.

SEC. 15. The city council shall have authority to lay out, establish, enlarge, vacate, and discontinue, within the corporate limits of the city, parks, and public grounds, and to improve, light, and ornament the same; to regulate the care thereof, and to protect the same, and all the appurtenances thereto from obstructions, encroachments, injury, and all nuisances.

Highways, streets, etc., laying out, etc.

SEC. 16. The city council shall have full power and authority to lay out, establish, open, alter, widen, repair, light, and improve highways, avenues, streets, lanes, alleys, drains, water-courses, culverts, and bridges in said city, whenever said council shall deem the same a public improvement or necessity, and may regulate the use thereof, and protect the same from obstruction, encroachment, and injury. If in laying out, establishing, opening, altering, widening, repairing, or improving any highway, street, lane, avenue, alley, drain, water-course, culvert, or bridge, it shall be necessary to take or use any private property, the same may be appropriated in the manner provided in this act for taking private property for public use. The whole or any part of the expense of any such improvement may be paid out of the funds of the city. If it shall be determined that the city pay only a portion of such expense, the balance thereof shall be paid by special assessment upon the property adjacent thereto and benefited thereby, and such special assessments may be levied and collected as provided by this act for levying and collecting special assessments.

Expense, how paid.

Council to act as highway commissioners.

SEC. 17. The city council of said city shall be highway commissioners for the same, and shall have and exercise the same powers

given by statute to highway commissioners of townships, so far as applicable, and except as herein otherwise provided.

SEC. 18. The city council shall have power to determine and establish the grade for all streets, avenues, alleys, and public grounds within said city, and may change or alter such grades, or any part thereof whenever, in their opinion, the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record thereof shall be made in a book to be provided by the council for that purpose. Grade of streets, etc.

SEC. 19. The city council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in a book kept for that purpose in the office of the city clerk, and to be designated "Book of Street Records." Such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds, and of the boundaries of the same. Survey of streets, etc.

SEC. 20. The city council shall have power to cause the public streets, highways, avenues, and alleys in said city to be graded, macadamized, paved, planked, or graveled, and otherwise improved and repaired, and the gutters paved. The cost and expense thereof shall be assessed on the property adjacent thereto and benefited thereby. Such assessments may be levied and collected as by this act provided for levying and collecting special assessments. The terms "paved" and "macadamized" shall be deemed to include gutters, curbing, and ballasting. Book of street records.

SEC. 21. The city council shall have power to regulate the construction of all sidewalks and cross-walks in the public streets and alleys of said city, and may prescribe the grade thereof, and change the same when deemed necessary. Said council shall have power to order the construction and maintenance of sidewalks and cross-walks in the public streets and alleys of said city, and charge the cost and expense of sidewalks upon lots and premises abutting upon such walks. Grading and paving streets, etc.

SEC. 22. The city council shall have power to require the owners and occupants of all lots and premises to construct, repair, and maintain sidewalks in the public streets of said city whenever said council shall deem the construction, repair, or maintenance of the same a public necessity; and said council shall have power to require all sidewalks to be constructed and laid upon such lines and grades, and of such width and materials, and manner of construction, and within such line, as said council may order, or by resolution or ordinance prescribe. Sidewalks and crosswalks.

SEC. 23. If the owners or occupants of any lot or premises shall fail to construct, repair, or maintain any particular sidewalk, as mentioned in the last section above, the city council may cause the same to be done at the expense of such owner or occupant. Such expense may be assessed upon the premises adjacent thereto, as provided in this act and be collected with the annual taxes therein, or the same, together with costs of suit, may be recovered in an action of assumpsit, and in all such actions it shall be sufficient, as a declaration, to declare on the common count in assumpsit for Constructing and repairing sidewalks.

Idem.
Declaration on the common counts.

labor and materials furnished, and a statement of the materials furnished and labor expended in constructing any such sidewalk with the value of such material and labor, verified by the officer under whose charge any such walk may have been constructed, shall be *prima facie* evidence of the right of the city to recover the same.

By-laws council
may enact.

SEC. 24. The city council, in addition to the powers and duties especially conferred upon them by this act, shall have full power and authority to enact, make, continue, establish, modify, amend, and repeal at pleasure, such by-laws, rules, ordinances, and regulations as they may deem desirable for the following purposes:

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent, and quell riots, disturbances, and disorderly assemblages in streets or elsewhere in said city; and to prohibit the use of vulgar and indecent language in the public streets and places of said city;

Second, To prohibit, prevent, and suppress disorderly and gaming houses, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables, bowling alleys, and skating rinks;

Third, To prohibit, restrain, or prevent persons from gaming for money or other valuable thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, and the keeping of any building, place, instruments, devices or means for such gaming;

Fourth, To prohibit, prevent, and suppress all lotteries for drawing or disposing of money or property, or valuable thing whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the direction, maintenance, or management thereof;

Fifth, To forbid and prevent the vending or [other] disposition of liquors and intoxicating drinks in violation of the laws of the State, and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;

Sixth, To prohibit, prevent, abate, or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow chandler shop, butcher's stall, slaughter house, market, soap factory, tannery, stable, privy, privy vault, hog-pen, sewer, or other unwholesome house or place, to cleanse, remove, or abate the same from time to time, as they may deem necessary for the health, comfort, and convenience of said city;

Seventh, To direct the location of all buildings for storing gunpowder or other combustible or explosive substances; to make regulations concerning the buying, carrying, selling, keeping and using gunpowder, fire-crackers or fireworks, or other combustible, inflammable, explosive, or dangerous articles; the exhibition of fireworks and the discharge of cannon and fire-arms; and the use and kind of lamps or lights to be used in barns, stables, and all buildings usually regarded as extra hazardous on account of fire, and to regulate, prevent, and restrain the making of bonfires in streets, lanes, alleys, and public places;

Eighth, To prohibit and prevent obstructions and incumbrances Idem. in the public highways, streets, and alleys, and to remove the same; to prohibit encroachments upon any public street, highway or alley; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachment upon any street highway or alley in said city, and to require all such persons to remove every such obstruction, incumbrance or encroachment; to regulate and prohibit the placing of signs, goods, wares and merchandise, boxes, vegetables and other materials on public sidewalks; to regulate and prohibit the suspension of signs, banners, advertisements and devices in, over, across, or upon any public street or alley; and to regulate the suspension of awnings; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the street as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to regulate, prohibit, or prescribe the manner of placing telegraph poles or poles of any kind in the public streets and grounds; to regulate the manner of making all openings in and removals of the soil of public streets for the laying or repair of sewers, drains, tunnels, gas-pipes, water pipes, or for any other purpose, and may prevent all such removals and openings of the soil, except by express permission of the city council, and at such times and upon such terms and regulations as they may prescribe; to prevent any willful injury to streets, sidewalks, crosswalks, and gutters; to prohibit, prevent and remove and abate all nuisances in the public streets, alleys, highways, and public grounds, and to require the authors and maintainers thereof to remove the same; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and the safety of persons and property in lawful use thereof;

Ninth, To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said city, to be securely fastened, held, or watched, and to prevent horse racing and immoderate riding or driving in any street, lane, or alley, and to authorize the stopping and detaining of any person who shall be guilty of racing or any immoderate riding or driving in any street, lane, or alley, and to regulate riding or driving over bridges in said city;

Tenth, To determine and designate the route and grade of any street railway to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines, and cars upon railroads within said city, and to compel [the] railroad companies, their officers, agents, managers, and employes to station flagmen at street crossings, and to prescribe the length of time that engines and cars may stand on said streets or street crossings, or otherwise obstruct them, or to prohibit the same, and to make such other rules and regulations concerning the same as to secure the safety of the citizens or other persons;

Eleventh, To restrain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms and subscriptions for any purpose whatsoever;

By-laws council
may enact.

Twelfth, To regulate or prohibit bathing in any public place; to provide for clearing the river, ponds, and streams within the limits of said city, and the races and canals connected therewith, of all driftwood, and noxious matter, and to prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive, or drawing the water therefrom at such times, and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to become unwholesome or offensive; to designate the location of all stock yards, and to regulate and cause the same to be removed to such localities;

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine, and other animals, geese, chickens, turkeys, and other fowls, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize them to be killed when running at large in violation of any ordinance, and to prohibit any person from placing, exposing, or administering any poison to any fowl, dog, or other animal not his own;

Fifteenth, To prohibit any person from bringing into said city, or depositing, or suffering to remain therein, any dead carcass, or other unwholesome or offensive substance; to compel the removal or destruction of all putrid meats, fish, and offensive vegetable matter;

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises, owned or occupied by them, clear from snow, ice, dirt, signs, boxes, goods, wares, merchandise, and other obstructions;

Seventeenth, To prevent or regulate the ringing of bells, and crying of goods and other commodities, or other disturbing noises in the streets, lanes, alleys, or in any public place, or on private property adjoining thereto;

Eighteenth, To prescribe the powers and duties of policemen and watchmen not specifically defined by this act, and to require them to be uniformed, and to fix their compensation;

Nineteenth, To provide for the sealing of weights and measures; to enforce the keeping and use of proper weights and measures by vendors; and to regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, sewers, and gutters;

Twentieth, To receive, hold, and regulate the cemetery within the city of Albion, now controlled by the township of Albion, and said township of Albion is hereby required to transfer said cemetery, together with all moneys and property belonging to said cemetery and now held by any board, officer, or agent of said township of Albion, to the city of Albion, which city is hereby required to receive, control, and regulate the same, and the burial of the dead therein.

Twenty-first, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain, and provisions of all kinds, and of other goods or property in the streets, lanes, alleys, and public

places, and to provide or prescribe stands for exposing the same for ^{Idem.} sale; to regulate the inspection, weighing, and measuring of brick, lumber, wood, coal, hay, and any articles of merchandise;

Twenty-second, To establish, provide, and regulate water-works, to prevent the waste of water, and to regulate and control the use thereof; to provide for and regulate connections with the water pipes and mains in said city, and to punish for all unauthorized connections and interference with the same, and to regulate water rates and charges for the use thereof, and to provide for the collection of the same;

Twenty-third, To provide for and regulate the lighting of streets, alleys, and public places, and to provide for the protection and safety of public lamps and property used for or in connection with any system of lighting; to employ suitable persons to superintend the same and fix their compensation;

Twenty-fourth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, hacks, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for carrying persons or goods for hire, and to fix and regulate their rates of fare and compensation; to license and regulate all vehicles of every kind used for the transportation of persons or property for hire in said city, and to prescribe stands for the same;

Twenty-fifth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meats, and other provisions; to license and regulate all taverns and houses of public entertainment, all saloons, restaurants, and eating houses;

Twenty-sixth, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling, and to regulate, license, or prohibit the sales or peddling of goods, wares, merchandise, or any kind of property by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicles, or other device, in the streets, highways, alleys, or in or upon any public grounds or buildings in said city;

Twenty-seventh, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets, alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public bidding or offers; to license the same and to regulate the fees to be paid by auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Twenty-eighth, To regulate, license, restrain, prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions for which money or other reward is in any manner demanded or received; lectures on historic, literary, and scientific subjects excepted;

Twenty-ninth, To prevent and punish for the disturbance of any religious meeting, congregation, or society, or other public meeting

By-laws council
may enact.

assembled for any lawful purpose; and to prevent and punish for assembling or loitering about churches during the progress of any religious meeting, or at the close thereof;

Thirtieth, To provide for and regulate a place or places for hitching teams in said city, to erect and maintain suitable hitching posts; to prohibit all practices, amusements, and doings in the streets, lanes, alleys, and public places in said city, having a tendency to frighten teams and horses, or dangerous to life, limb, or property; to remove, or cause to be removed therefrom, all buildings and structures that may be liable to fall, and endanger life, limb, or property; to preserve quiet and good order in the streets and other public places, and at the arrival and departure of railroad trains; to prevent assemblages on street corners or other places in the public streets to the annoyance or inconvenience of pedestrians; to prevent persons, not passengers, or railroad employes from jumping on and off cars; to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotel or public houses, or places of public resort, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, hacks, omnibuses, or other vehicles, shall stand at any depot or other place in said city;

Thirty-first, To prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations in relation to buildings deemed unsafe; to regulate and compel the covering of mill-races; and to regulate or improve the channel of streams flowing through said city;

Thirty-second, To regulate the construction of private drains, sinks, cess-pools, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, and to pull down or remove any building, fence, or structure which may be unsafe or liable to fall and injure persons or property, or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such building, structure, private drain, sink, cesspool, or privy thereon;

Thirty-third, To fix and regulate the compensation of all officers of the city in cases not herein otherwise fixed or regulated by law; to fix and regulate the fees of justices of the peace, jurors, and witnesses in any proceeding under this act, not herein otherwise fixed or regulated by law;

Thirty-fourth, To prohibit, prevent, and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions;

Thirty-fifth, To prohibit, prevent, and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes; disorderly houses and places; to restrain and punish the keepers thereof, and persons found therein; to punish and restrain common prostitutes, vagrants, and drunkards, and disorderly persons; to prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to secure said city and its inhabitants against injuries by fires, thieves, robbers, burglars, and other persons violating the public peace;

Thirty-sixth, To prohibit and prevent, within certain limits or Idem. districts in said city, the location or construction of buildings for storing gunpowder, tanneries, distilleries, buildings for the manufacture of any combustible or inflammable material, slaughter houses and yards, butchering shops, soap factories, candle, starch, and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; and such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, and all buildings usually regarded as extra hazardous in respect to fire shall be subject to such regulations in relation to their construction and management as the city council may make, with a view to the protection of any persons or property from fire, or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Thirty-seventh, To determine and regulate the construction of division or partition fences, and of partition walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places, and fire-arches, ovens, and the putting up of stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fire; to compel and regulate the cleaning of chimneys, flues, and fix the fees therefor; to compel and regulate the construction of ash houses or depositories; to guard against fire; to compel the owners of buildings to have scuttles in the roofs thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and enclosures to discover whether the same are in a dangerous or unwholesome state, and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires and to compel persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Thirty-eighth, To provide for taking a census of the inhabitants of said city whenever the city council may see fit; to erect and provide for the erection of all needful buildings and offices for the use of the city or its officers, and to control and regulate the same; to provide for printing and publishing matters required to be printed and published under this act or by order of the city council; to purchase and control land for cemetery purposes either within or without the corporation limits of said city;

Thirty-ninth, To provide for the protection and care of indigent persons, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city;

Fortieth, To prevent and regulate the sale, giving away, or keeping for sale of toy pistols and all other toy instruments and devices

By-laws council may enact. in which gunpowder or other explosive material is used and to prohibit the use of slings and devices commonly called "bean flippers" and "blow-guns ;"

Forty-first, To provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of said city ; to protect the same from injury, and to protect the shade trees in the public streets, highways, alleys, parks, and public grounds of said city from injury and destruction ;

Forty-second, To permit the construction and operation of street railways in said city and to regulate the same ;

Forty-third, No exclusive permits or privileges shall be granted by the council to any person or persons, or to any corporation for any purpose whatever ;

Forty-fourth, Further, said city council shall have authority to enact all ordinances and make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof and the protection of property therein, and to enforce the same by suitable fine, penalty, forfeiture, costs, or imprisonment, or by fine and imprisonment, or by fine, imprisonment, and costs.

Licenses.

SEC. 25. The city council may prescribe the terms, conditions, and time, not exceeding one year, upon which licenses may be granted, and direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable. Every license shall be revokable by the council at pleasure ; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. The council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required, by any ordinance or regulation of the said council, or by this act. All sums received for licenses granted for any purpose by the city under its authority shall be paid into the city treasury to the credit of the general fund.

Railroads to cross streets only on such terms and conditions as council prescribe.

SEC. 26. The city council of said city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of said city, as said council may deem expedient, upon such terms and conditions and subject to such regulations, to be observed by the company, as the council may require ; and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions.

Natural drainage must not be impeded.

SEC. 27. The city council shall have power to require and compel any railroad company, and any street railway company, to make, keep open, and repair such ditches, drains, sewers, and culverts along, under, and across their railroad track as may be necessary to

drain their grounds and right of way properly, and in such manner as the council may direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the direction of said council, said council may cause the work to be done at the expense of such company, and the amount of such expense may be collected of such company at the suit of the city of Albion, in a civil action before any court having jurisdiction of the cause.

SEC. 28. Said city may acquire, hold, own, control, and regulate Cemeteries. such cemeteries and grounds for cemeteries or public burial place or places, either within or without the limits of the corporation, as in the opinion of the city council shall be necessary for the public welfare. Said council shall have power to order the use, for burial purposes, of any burying ground or cemetery belonging to the city, to be discontinued whenever they may deem the same necessary; and to provide for the return of bills of mortality, and burial statistics.

CHAPTER XVI.

SEWERS AND DRAINS.

SECTION 1. The city council shall have full power to establish, Sewers, etc. construct, maintain, repair, enlarge, and discontinue within the highways, streets, alleys, public and private grounds of said city such sewers, lateral sewers and drains as they may deem necessary, or which in the determination of the council may be deemed necessary for the preservation of the general health of the city; such sewers may be constructed of such form and material as the council may deem best.

SEC. 2. Whenever the city council shall determine that it is Idem. necessary to take or appropriate any private property through or upon which to construct any sewer or drain the same may be taken or appropriated as provided in this act for taking private property for public use.

SEC. 3. The expenses of constructing any sewer, lateral sewer, Idem. connecting sewer, or drain shall be paid by special assessment upon the property adjacent thereto or benefited thereby in the manner in this act provided for levying and collecting special assessments.

SEC. 4. The city council may direct and regulate the construction Idem. of sewers and drains for the purpose of more effectually draining all lots, cellars, yards, sinks, privies, and cesspools within the limits of said city, whenever, in their opinion, the same shall be necessary. Such sewers and drains shall be constructed through any of the streets or alleys adjoining or in front of the premises through which sewers or drains shall be ordered constructed, and the council shall assess the expense thereof on such lots and premises as are benefited thereby.

SEC. 5. The said city council may, when they deem it necessary, Idem. direct the owner or occupant of any premises, lots and subdivisions

thereof within said city, and contiguous to any public sewer or drain, to construct, alter, or repair private drains, and sewers from such premises, lots, and subdivisions thereof, connecting with such public sewer or drain aforesaid, and in case any such owner or occupant shall neglect or refuse to construct, alter or repair such private drain or sewer as directed by said council, said council may cause the same to be done under the direction of some officer of the city and the cost and expenses thereof shall be assessed on such premises, lots, or subdivisions thereof and collected as in this act provided for the collection of special assessments, or the same may be collected by suit in the name of the city of Albion against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money, labor and material furnished shall be sufficient.

Council to regulate all house connections with sewers, etc.

SEC. 6. The city council shall have power to direct and regulate all house connection with any public sewer and may provide by ordinance for the punishment of persons violating such regulations or any other regulation or ordinance in relation to sewers or sewerage; any person or officers of the city, under the direction of the city council, shall have the right and are hereby authorized to inspect any premises, house or other building for the purpose of examining the sewerage or sewer connections or to repair, alter, or construct any sewer or drain which any owner or occupant has failed or neglected to do, after having been so as aforesaid directed to do by said council.

Annual tax.

SEC. 7. The said city council may provide for the levying and collecting of an annual tax for the purpose of constructing and keeping public sewers and drains in repair.

Power of council relative to property, etc.

SEC. 8. The city council shall have power to pass such ordinances and make such rules and regulations in relation to sewers, sewerage, making sewer and house connections, and the property and material used in connection therewith, as they may deem necessary for the proper use and protection thereof, and to punish all persons guilty of violating the same; and said council shall also have power to license and regulate plumbers and other persons doing work in relation to constructing sewers and making sewer connections, and to prohibit others than those licensed from doing the same.

CHAPTER XVII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The city council shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for the same purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen, and officers thereof; and for the care and man-

agement of the engines, apparatus, property, and buildings pertaining to the fire department, and prescribe the powers and duties of such employés, firemen, and officers.

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary and make all necessary provisions for a convenient and sufficient supply of water for the use of the department. Fire engines.

SEC. 3. The city council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus belonging to the fire department. Engine houses.

SEC. 4. The city council may provide, by ordinance, for the appointment of, and shall appoint such number of fire wardens as may be necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus and devices in or near the dwellings, buildings, and structures within the city, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition. Fire wardens.

SEC. 5. Every building or structure which may be erected, placed, enlarged, repaired, or kept in violation of any ordinance or regulation in regard to fire, is hereby declared to be a nuisance, and may be abated or removed by direction of the city council. Buildings erected contrary to any ordinance may be removed.

SEC. 6. The city council shall appoint a chief engineer and such assistant engineers as said council may deem necessary, who shall have such power and perform such duties in relation to their respective offices, as said city council may direct. Said city council may also appoint such other officers of the department as they may deem proper, and prescribe their powers and duties. Chief and assistant engineer.

SEC. 7. The officers, firemen, and employés of any fire department of said city shall be exempt from serving on juries during their term of service. Firemen, etc., exempt from serving on juries.

SEC. 8. The city council may prescribe by ordinance, from time to time, limits or districts within said city within which wooden buildings or structures shall not be erected, placed, repaired, or enlarged; and to direct the manner of constructing buildings within such limits or districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed. Districts within which wooden buildings can not be erected.

CHAPTER XVIII.

BOARD OF HEALTH.

SECTION 1. The mayor and council, together with the health officer of said city, shall be and constitute the board of health of said city; and such board shall have such powers and perform such duties as are conferred upon and required of township boards of health by the general statutes of the State in regard to public health, now in force and which may be hereafter enacted. Board of health.

SEC. 2. When the city council may deem it for the public safety, City hospital.

grounds and buildings for a city hospital may be purchased, erected, and maintained within or beyond the corporate limits of the city; and in such case the city council shall have authority to enact and enforce, within or beyond the corporate limits of the city, all such ordinances and police regulations as may be necessary for the care and protection thereof; and for the management and control of the inmates and persons employed in and about such hospital; and said city council shall have power to enact such ordinances, rules, and regulations in regard to the public health of said city as are authorized by the general laws of the State, and such others as they may deem necessary for the proper care and protection of the inhabitants of said city.

CHAPTER XIX.

FINANCE AND TAXATION.

- Taxation.** SECTION 1. The city council shall have power to raise annually, by taxation upon the real and personal property in said city, taxable under the constitution and laws of the State, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.
- Fiscal year.** SEC. 2. The fiscal year of said city shall commence on the first Monday in April in each year, unless otherwise provided by ordinance.
- Revenues divided into different funds.** SEC. 3. The revenues raised by general tax upon the taxable property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:
- General fund.** *First*, General fund, to defray the contingent and other expenses of the city, of the payment of which from some other fund no provision is made;
- General street fund.** *Second*, General street fund, to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing and cleaning the streets, alleys, and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;
- Cemetery fund.** *Third*, Cemetery fund;
- May constitute other funds.** *Fourth*, Such other general funds as the common council may from time to time constitute.
- Special funds.** SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:
- Street district fund.** *First*, A street district fund for each street district, for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon street district;
- District sewer fund.** *Second*, A district sewer fund, for each main sewer district, for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

Third, Special assessment funds,—any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised. Special assessment fund.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of taxes for schools and school-house purposes), shall not, except as herein otherwise provided, exceed, in any one year, three-quarters of one per cent. Three quarters of one per cent.

SEC. 6. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-half of one per cent on the assessed value of the taxable real and personal property in the district. One-half of one per cent.

SEC. 5a. No moneys shall be transferred from one fund to another. No moneys shall be transferred from one fund to another.

SEC. 6a. It shall be the duty of the city council to cause estimates to be made on or before the adoption of the general appropriation bill in each year, of all the expenditures which will be required to be made from the several general funds of the city during the current year, for the payment of debts, making public improvements and repairs of all kinds, for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds of the city during the current year; and may estimate and determine the amount required to be paid from any special or district fund the council may create. Estimates of expenditures to be made.

SEC. 7. Said city council may also at the same time determine the amount of or part of any special assessment which they require to be levied, assessed, or re-assessed, in the next general tax rolls of the city, upon any parcel or parcels of land, or against any particular person or persons. Special assessment.

SEC. 8. It shall be the duty of said city council to pass or adopt a resolution on or before the first day of October in each year, to be termed the annual or general appropriation bill, in which they shall make provisions for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the current year, payable from the several general funds and from any special or district fund estimated and determined upon as provided in section six of this chapter, and order the same, or so much of said amounts as may be necessary, to be raised by tax in the next general tax levy, or by loan, or both, and to be paid into the several general funds and special or district funds of the city. The said city council shall specify in such resolution the object and purpose for which such appropriations are made, and the amount appropriated for each object and purpose, and to each of the several funds. Annual appropriation bill.

Said council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or re-assessed with the general tax as mentioned in section seven of this chapter, and the dispositions to be made of such moneys; and may also designate in said bill any local improvements which they deem advisable to make during the current year to be paid for in part or in whole by special assessment, and the estimated cost thereof; and may by resolution levy the aggregate of the taxes mentioned in such appropriation bill upon the taxable property in said city liable for such tax or assessment.

Assessment of
property.

SEC. 9. The supervisor of each ward in said city shall, in each year, on or before the third Monday in May, make and complete an assessment of all the real and personal property in his ward liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of the State, and as if each ward were a township; and in so doing they shall conform to the provisions of law governing the actions of supervisors of townships performing like services, and shall have the same powers as such supervisors, and in all other respects they shall, unless otherwise provided in this act, conform to the provisions of law applicable to the actions and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Board of re-
view.

SEC. 10. The supervisors of the city shall constitute a board of review of assessments, and immediately after the completion of their assessments as provided in the preceding section, and on the Tuesday next following the third Monday in May, and before any tax shall be levied on the same, said board of review shall meet at some convenient place within the city limits, of the time and place of which meeting they shall previously give notice, by publishing the same once in each of the papers published in said city during the week next preceding the day of meeting. They shall also meet at the same place on the fourth Monday of May, and shall continue in session on both of said occasions the same length of time as provided by the State law for the session of the township boards of review. For the purpose of reviewing assessments, said board of review shall have the same powers and perform the same duties in all respects, so far as applicable and not otherwise provided for by this act, as boards of review of townships, in reviewing and correcting township assessments made by them.

Powers and
duties.

Idem.

SEC. 11. Said board of review shall also examine the assessment rolls of the different wards, and ascertain whether the relative valuation of the real property in the respective wards has been equally and uniformly estimated. If on such examination they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in any ward or wards such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the

real property in the city, and the amount added to or deducted from ^{Idem.} any roll shall be entered in their records. They shall also cause to be entered on their records the aggregate valuation of the taxable real and personal property of each ward in the city, as determined by them. Such equalization shall be for the purpose of equalizing the city, and school, and other local taxes as distinguished from State and county taxes, and the rolls of each supervisor shall be equalized by the county board of supervisors, the same as the rolls of the different townships in the county. The board shall also make such alteration of the names of persons, or the description of lands upon such rolls as may be necessary to render such name or description conformable to this act and the requirements of the State law. They shall also apportion the various city, school, and other taxes, except State and county taxes to the different wards; and for the purpose of such apportionment they shall take official notice of the general appropriation bill passed by the city council, and of the amount of school taxes certified by the district board of education of school district number one fractional of Sheridan and Albion to the city clerk. Such apportionment shall be in proportion to the valuation of the taxable property, real and personal, in the different wards, as determined by themselves as a board of review for that year, and shall be entered at large on their records. Said board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation and to place on the assessment rolls of the city any taxable property, real or personal, liable to assessment and not already assessed, and to strike from said roll any property wrongfully thereon. When said board of review shall have reviewed, equalized, apportioned, and corrected the assessment rolls for any year, they shall add their certificate to such rolls signed by at least a majority of them, showing that they have reviewed, equalized, apportioned, and corrected the same. The roll of each ward shall then be delivered to the supervisor of the same.

SEC. 12. The supervisor of each ward, at the same time that he ^{Supervisor, his duties.} shall assess the State and county taxes, shall proceed to assess the taxes that have been levied by the city council, and voted by school district number one for school purposes, together with the one mill tax, and apportioned by the board of review to his ward for the year, upon the taxable property of his ward, according to and in proportion to the individual and particular estimate and valuation as specified in the assessment roll of his ward for the year, as corrected by the board of review. Taxes for the several general funds of the city shall be set down in one column, and if there be other taxes assessed than for the said general funds, they shall be carried out in separate columns and all special assessments required by the city council, or the provisions of this act, to be assessed in such roll against any description of land, shall be carried out in separate columns thereof, and the total amount of taxes and assessments shall be carried out in the last column of such roll.

SEC. 13. The supervisor of each ward, after receiving the certificate of the city clerk of the amount of State and county taxes ^{Idem.}

apportioned to his ward, or taking official notice of the same as provided by the State law, shall, on or before the fifteenth day of November, in each year, notify the city treasurer of the amount of such taxes, and also the amount of all city and school taxes apportioned to his ward; and said treasurer shall, on or before the twenty-fifth day of November, give to the county treasurer a bond with sufficient sureties to be approved by the mayor of the city and the county treasurer, running to the county, in double the amount of the State and county taxes of which he shall have received notice from all the supervisors of the city, conditioned that he will pay over to the county treasurer, as required by law, all State and county taxes which he shall collect during his term of office, and duly and faithfully perform all the other duties of his office: *Provided*, That if the supervisors, or any of them, fail to give such notice, the treasurer may take official notice of the amount of said taxes.

Previseo.

City treasurer,
his duties.

SEC. 14. The city treasurer shall file a receipt from the county treasurer for the bond mentioned in the preceding section, with the city clerk, on or before the first day in December. Said treasurer shall also, on or before the twenty-fifth day of November, give to the city clerk a bond running to the city, with sufficient sureties, to be approved by the mayor and city clerk, in a penalty fifty per cent in excess of the amount of city and school taxes certified to him by the supervisors of the city, conditioned that he will pay over, and account for, as required by law, all city and school taxes which he shall collect during his term of office and faithfully perform all the other duties of his office.

Supervisor, his
duties.

SEC. 15. The supervisors of the different wards shall take official notice of the filing of said bonds and receipt, and after they are filed, on or before the first day in December, shall deliver to the city treasurer the tax rolls of their respective wards; and previous to the delivery of said rolls, each supervisor shall certify to the city clerk the aggregate of all city, school, and special taxes on his roll. The city clerk shall then charge the city treasurer with the total amount of such taxes as certified by all the supervisors of the city. A warrant shall be annexed to each roll under the hand of the supervisor, directing and requiring the city treasurer to collect from the several persons named in said roll the several sums mentioned therein, set opposite their respective names as a tax or assessment, and to retain in his hands the amount receivable by law into the city treasury, and to pay over to the county treasurer the amount therein specified for State and county purposes, on or before the first day of February next, and authorizing him, in case any person shall neglect or refuse to pay the sums taxed or assessed to him, or them, to levy the same by distress and sale of the goods and chattels of such person, together with the costs and charges of such distress and sale. Said warrant may be extended from time to time by the city council, but not exceeding one month from the first day of February.

Treasurer, his
duties.

SEC. 16. The city treasurer, upon receiving such tax rolls and warrants, shall forthwith proceed to collect such taxes in the same

manner as provided in the State law for the collection of taxes by township treasurers in townships, and charging the same percentage for collection fees as in said State law provided.

SEC. 17. If any person shall neglect or refuse to pay the sum or Idem. sums which shall be taxed or assessed as aforesaid, the city treasurer is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice, as is required by law to be given by township treasurers in similar cases, and said treasurer shall have the same powers, and all his proceedings therein shall be the same as given by the general statutes of the State to township treasurers in similar cases, and in case the goods and chattels seized shall be sold for more than the amount of tax or assessments, with the charges of collection, distress, and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

SEC. 18. If, upon the return of the warrant and assessment roll, it shall appear that any tax or assessment, other than State or county remains unpaid, the same may be collected from the person or persons liable to pay the same, by suit in the name of the city of Albion, before any court of competent jurisdiction. In any such suit, a declaration on the common counts for money had and received, shall be sufficient, and the production of any assessment roll on the trial of any action brought for the recovery of a tax or assessment therein assessed, may, upon proof that it is the original assessment roll, with the warrant of the supervisor of the ward thereto annexed, be read or used in evidence; and if it shall appear Assessment roll prima facie evidence. from said assessment roll that there is a tax or assessment therein against the defendant in such suit, it shall be *prima facie* evidence of the legality of the assessment of the same; and the court before whom the case may be pending shall proceed to render judgment against the defendant unless he shall make it appear that he has paid such tax or that the same is illegal; and no stay of execution shall be allowed upon any such judgment.

SEC. 19. At the expiration of his warrant the treasurer shall return to the city clerk a statement containing the names of all persons who have failed to pay any tax or assessment assessed to them in said rolls, except State and county taxes, together with a description of the property upon which such tax or assessment was levied; and in such statement the amount of the different taxes shall be placed in separate columns to correspond with the assessment rolls, and said treasurer shall verify such statement by his affidavit; such statement and affidavit, when certified to by the city clerk, shall be *prima facie* evidence of the regularity of said proceedings in all the courts in this State. Any tax returned unpaid may at any time before sale of the premises upon which the same was levied for non-payment thereof, with the interest thereon computed at the rate of ten per cent per annum, and costs of advertising for sale, if advertising for sale shall have been commenced, be paid to the city treasurer at any time before sale, and upon payment of the same, the treasurer shall credit the same to the general fund and give his receipt therefor. Said city treasurer shall take the same Return of treasurer to state what. Statement to be verified by affidavit. Tax may be paid at any time before sale.

proceedings in relation to returns for State and county taxes, delinquent, as are required by the State law to be taken by township treasurers. The county treasurer shall have jurisdiction of delinquent tax sales of lands returned as delinquent upon any of the tax rolls of the various wards of the city, so far as relates to delinquent State and county taxes only.

State and county taxes.

Tax unpaid for two years land to be sold.

Notice of sale.

Part of lot or parcel to be sold.

Sale to commence when.

Certificate of purchase.

Conveyance prima facie evidence of what.

SEC. 20. Whenever any such tax or assessment other than State and county and the interest thereon, which shall be computed at the rate of ten per cent per annum until paid, shall remain unpaid for two years from the date of the warrant to the city treasurer as aforesaid, the treasurer shall cause so much of the land, charged with such tax and assessment and interest, to be sold at public auction at some public place in said city to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least two months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said city, or by causing the same to be published in some newspaper printed and circulated in said city, once at least in each week for eight successive weeks, and an affidavit of the posting of such notices made by the person or persons posting the same, or if published in a newspaper, then by the publisher, printer, or foreman of the same, filed with the clerk of the city and entered by him in the record of the proceedings of the city council shall be deemed *prima facie* evidence of the fact of such posting or publication.

SEC. 21. If in making sale of any lot or parcel of land for non-payment of taxes or assessment it shall not be necessary to sell the whole lot or parcel taxed or assessed, the treasurer shall determine from what part of such lot or parcel of land, the part or portion sold shall be taken.

SEC. 22. On the day mentioned in said notice the said treasurer shall commence the sale of said lands and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within two years from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of ten per cent per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon, and the said conveyance shall be *prima facie* evidence that the sale and all proceedings upon which such sale is founded were regular, according to the provisions of

this act; and every such conveyance executed by said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

SEC. 23. If any parcel of land can not be sold to any person for the tax, interest, and charges, such parcel shall be passed over for the time being, and after the advertised list has been offered, and before the close of the sale, all such descriptions as have not been sold shall be re-offered; and if on such second offer, or during the sales, the same cannot be sold for the amount aforesaid, said treasurer shall bid off the same for the city.

In what case land to be bid off for city.

SEC. 24. All lands bid in for the city, as provided in the last preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the city and such tax shall be a charge upon said land.

Still liable to be taxed.

SEC. 25. The city council may affix the amount that shall be charged for advertising the sale of lands for non-payment of taxes, but such amount shall in no case exceed forty cents for each description of land, and the expenses in advertising any land for sale, in pursuance of this act shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the number of descriptions of land assessed to each person.

Amount for advertising not to exceed forty cents.

SEC. 26. In case of distress and sale of goods and chattels for the payment of any tax, the treasurer or collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax as his fees for making such distress and sale.

Fees.

SEC. 27. Executions issued upon judgments rendered for any tax may be levied upon any property without exemption, the same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the same manner, in all other respects, as provided by law for the collection of judgments.

No property exempt from execution.

SEC. 28. All taxes levied upon real estate, and all assessments and charges made thereon for any purpose, shall remain a lien thereon from the time the same are levied and confirmed until paid.

Lien.

SEC. 29. For the purpose of assessing, levying, and collecting taxes in the city of Albion, for State, county, city, school, and other purposes, each ward shall be considered as a township, and all provisions of law relative to collection of taxes levied in townships shall apply to the collection of taxes assessed and levied in the different wards of the city of Albion, except as in this act otherwise provided, or when the provisions of this act are inconsistent therewith.

Assessing, levying and collecting taxes.

SEC. 30. The amount of money raised for school purposes together with the one-mill tax in the city shall be paid on the order of the proper officer or officers of school district number one fractional of Albion and Sheridan; and in case the city treasurer shall not collect the full amount of taxes required by his warrants to be paid to said school district, said school money taxed in said rolls shall be paid in full by said treasurer.

School moneys.

CHAPTER XX.

SPECIAL ASSESSMENTS.

Special assessments.

SECTION 1. When by the provisions of this act the cost and expense of any local or public improvement may be defrayed by special assessments upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessments may be made as in this chapter provided.

Board of assessors.

SEC. 2. The supervisors of the several wards, or a majority of them, of said city of Albion, shall constitute a board of assessors for making special assessments. If a member of the board of assessors shall be interested in any particular special assessment, the city council shall appoint some other person to act in his stead in making the particular assessment, who for the purposes of that assessment shall be a member of the board.

Public improvements, resolution for to state what.

SEC. 3. When the city council shall determine to make any public improvement or repairs and defray the expense thereof by special assessment, they shall so declare by resolution, stating the improvement, and shall designate the lands and premises upon which the special assessment shall be levied.

Estimates, plats and diagrams to be made.

SEC. 4. Before ordering any public improvement or repairs, the expense of which is to be defrayed by special assessment, the city council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and file the same with the clerk.

Costs and expenses to include what.

SEC. 5. The costs and expenses of any improvement which may be defrayed by special assessment, shall include the cost of surveys, plans, assessments, notices, advertising, and costs of construction.

When special assessment may be levied.

SEC. 6. Special assessments to defray the cost of any improvement may be levied before making the improvement.

Duty of city council when special assessment is to be made.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises for any improvement, according to frontage or benefit, the city council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises or locality to be assessed.

Duty of the board of assessors.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein the lots, premises, and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons and against the lands assessed to them the amount to be assessed, in the manner directed by the city council and the provisions of this act, applicable to the assessment; and when such assessment is completed, they shall report the same to the city council.

Idem.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole front-

age of all lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot, from the improvement.

Assessment proportionate to benefits.

SEC. 10. When any expense shall be incurred to the city upon or in respect to any single or separate lot, or parcel of land, or premises which by the provisions of this act the city council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land, on account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, the name of the owner or person chargeable therewith shall be reported to the city council in such manner as the council shall prescribe.

Name of persons chargeable with special assessments in certain cases to be reported to common council.

SEC. 11. The city council shall determine the correctness of such account, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the city council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported to the assessors of said city for assessment.

Duty of common council in such cases.

SEC. 12. Upon receiving such report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the city council.

Duty of board of assessors.

SEC. 13. When any special assessment shall be reported by the board of assessors to the city council, as in this chapter directed, the same shall be filed in the office of the city clerk, and numbered. Before confirming the assessment the city council shall cause notice to be published for one week at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the city council and board of assessors will meet to review the assessment. Any person objecting to the assessment, shall file his objections thereto in writing with the clerk of said city on or before the review day.

Special assessment to be filed in office of city clerk.

Review of assessment.

SEC. 14. At the time appointed for that purpose, as aforesaid, the city council and board of assessors shall meet, and then, or at some adjourned meeting, review the assessments; and the said city council shall correct the same if necessary and confirm it, or they may refer the assessment back to the assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a

Idem.

Proceedings on confirmation of special assessment.	special assessment shall be confirmed, the city clerk shall indorse a certificate thereof upon the roll of each supervisor in whose ward, the whole, or any part of such special assessment shall be made, of the special tax belonging to, and to be assessed in his ward, and showing the date of confirmation.
Confirmation conclusive.	SEC. 15. When any special assessment shall be confirmed by the city council, it shall be final and conclusive. Special assessments shall be due and payable on confirmation.
Assessment shall be a lien after confirmation.	SEC. 16. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots and parcels of land assessed, and shall be a charge against the persons to whom assessed till paid.
Additional assessment, excess refunded.	SEC. 17. Should any special assessment prove insufficient to pay the improvement or work for which it was levied, and the expense incident thereto, the city council may make an additional <i>pro rata</i> assessment to supply the deficiency; and in case a larger amount has been collected than necessary, the excess shall be refunded ratably to those by whom it was paid.
Illegal assessment.	SEC. 18. Whenever any assessment heretofore or hereafter made, shall, in the opinion of the city council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the city council shall, whether the improvement has been made or not, or whether any part of the assessments has been paid or not, have power to cause a new assessment to be made for the same purposes for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted, as near as may be, in the same manner as herein provided for the original assessment; and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.
New assessment.	
No irregularity impairs the lien.	SEC. 19. No judgment or decree, nor any act of the city council vacating a special assessment, for an irregularity occurring after the same shall have been levied, shall destroy or impair the lien of the city on the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.
Special assessment to be levied when.	SEC. 20. Whenever any special assessment shall be confirmed and be payable, the city council may cause the levy of the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith, as a tax, upon the tax roll of the supervisor in whose ward the whole, or any part, of such special assessment shall be made next thereafter to be made, of the tax belonging to his ward in a column of special assessments, and thereupon the amount so levied in said tax rolls shall be collected and enforced with other taxes in the city, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when paid shall be paid into the city treasury.
To be a lien until paid.	

SEC. 21. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the city council, instead of requiring the assessment to be levied in the city tax rolls, as provided in the preceding section, may direct the assessment to be made in a special assessment roll and to be collected directly therefrom; and thereupon, said board of assessors shall cause to be attached [thereto] a warrant under their hands, as a majority of said board, commanding the city treasurer of the city to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chattels of such person; and that he pay the money collected into the city treasury, and that he return the said roll and warrant, together with his doings thereon, in thirty days from the date of such warrant. Such warrant may be renewed from time to time by the city council not exceeding ninety days in all; and after the first renewal it shall be lawful to charge three per cent upon each unpaid assessment as cost of collection, and after each and every other extension or renewal it shall be lawful to charge four per cent.

Special assessment roll.

Warrant to be attached thereto.

Four per cent.

SEC. 22. Upon receiving said assessment roll, or rolls, and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall refuse or neglect to pay his assessment on demand, the city treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto. The proceedings of the city treasurer in making such seizure and sale, and the fees therefor, shall be the same as in making distress and sale of property for non-payment of taxes as provided in chapter XIX of this act.

City treasurer to collect tax.

May sell property on giving proper notice.

Surplus to be paid to person entitled thereto.

SEC. 23. The city treasurer shall pay the moneys and all the costs and expenses collected by him into the city treasury, and file a statement thereof with the city clerk. He shall also make return of said assessment roll and warrant according to the requirements of the warrant. In case any assessment shall be finally returned unpaid, by the city treasurer, he shall make a list thereof containing the names of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each, verify such list by his affidavit, and file the same with the city clerk. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same shall then be re-assessed by the city assessors, with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the date of the passage of the next annual appropriation bill, in the next tax roll or rolls, and be col-

All moneys and costs to be paid into the city treasury.

Delinquents.

Re-assessment.

lected and paid in all respects as provided in section twenty or twenty-one of this chapter.

Assessment may be recovered by suit in the name of the city of Albion.

SEC. 24. At any time after a special assessment has become due and payable, the same may be recovered by suit in the name of the city of Albion against the persons assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified copy of the resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor.

Common counts.

Prima facie evidence.

Judgment may be rendered notwithstanding irregularities in assessment.

SEC. 25. If in any such action it shall appear that by reason of irregularities or informality, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged the court may, nevertheless, on satisfactory proof that the expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Provisions apply to previous unpaid assessments.

SEC. 26. The provisions of the last two preceding sections shall apply as well to assessments made before the passage of this act and remaining unpaid or to those made after its passage.

CHAPTER XXI.

APPROPRIATION OF PRIVATE PROPERTY.

Appropriation of private property for public use.

Resolution to show what.

Notice to interested parties.

Confirmation of resolution.

Purchase of property.

SECTION 1. Whenever it is deemed necessary by the city council to take or appropriate any private property, right of way, interest or estate therein for any public improvement or use, the proceedings therein shall be as follows, viz.: The city council shall first declare by resolution that they deem it for the interest of said city to take the property, interest, or estate therein for public use or improvement, which resolution shall describe the property and the interest or estate therein proposed to be taken, and the particular purpose for which it is proposed to take the same. The said city council shall thereupon cause notice thereof to be given to the owners or occupants or persons interested, or his or their agent or representative, so far as they can be ascertained by personal service, or by posting up such notices in three or more public places in said city, stating the time and place when and where said council will meet to consider such resolution, which notice shall describe the property and the interest or estate therein proposed to be taken and the purpose for which it is proposed to take the same; and which notice shall be served or posted up as aforesaid at least ten days before the time of meeting. If after hearing the persons interested who may appear at such meeting, the said city council shall still deem it for the interests of said corporation to take such property, interest, or estate therein for the particular public use or improvement mentioned, they shall confirm said resolution, and then they may proceed to treat with the parties interested in the

property proposed to be taken, and obtain a release or conveyance thereof by gift or purchase. If such conveyance or release shall not be obtained by treaty, from said parties or any of them, then it shall be lawful for the mayor of said city, or, in case of his absence from the city, for the city clerk, to apply to any justice of the peace of said city, and in case of his or their inability to act, then to apply to the judge of probate of Calhoun county for the appointment of a jury of twelve freeholders of the city to inquire into the necessity of taking and using such grounds or premises for the purposes specified, and to appraise the damages thereon to such persons as shall not have released all claim for damages or agreed with the mayor or city council on the price to be paid by reason of the taking or using such private property, interest, or estate therein for such specified purpose, which application shall describe the grounds and premises and the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same. Notice of such intended application, together with a copy of the same, shall be served on the parties interested in the property proposed to be taken who have not released or agreed upon the compensation to be received therefor, at least four days before the same is presented to such justice of the peace or probate judge. Such service may be made on such persons personally or by publication for the same length of time in some newspaper printed in said city. Upon the receipt of such application, the justice of the peace or probate judge to whom the same is presented shall make a list of twelve disinterested freeholders residing in said city, having the qualifications of jurors in courts of record of the State, and shall issue a *venire* under his hand, directed to the marshal or any constable of the city of Albion, commanding the officer therein named to summon the persons named in said list to be and appear at his office or at some other convenient place in said city to be therein designated, on some day to be therein named, not less than six nor more than twelve days from the time of issuing the same, to serve as jurors to inquire into the necessity of taking such grounds or premises, and to appraise the damages occasioned by taking the property, interest, or estate therein mentioned and described in such application for the purpose therein mention. If all the jurors shall not appear, or if any be disqualified for any reason, the said justice of the peace, or probate judge, shall cause a sufficient number of talesmen, having the qualifications aforesaid, to be summoned as aforesaid, to make a full jury. No person shall be incompetent to serve as a juror on account merely of such interests as he may have in common with the inhabitants of the city in the result of the proceedings. Any person summoned as a juror may, on the demand of any person or persons interested, be sworn and examined touching his competency to act as a juror in the proceedings, and if it appear, on such examination, to the satisfaction of the justice of the peace, or probate judge, before whom such proceedings are had, that any juror is directly interested in such proceeding, or unduly biased or prejudiced in regard thereto, such juror shall be excused. The jurors shall be sworn by such justice

Jury, who to
appoint.

Notice to be
served.

How served.

Jury to be sum-
moned.

Competency of
juror.

of the peace, or probate judge, to inquire into the said necessity, and to appraise the damages occasioned by taking the property, interest, or estate therein described in such application for the purpose aforesaid. They shall proceed to view the premises described, and hear proofs, and within five days thereafter make return in writing, to the said justice of the peace, or probate judge, before whom the proceedings were had, signed by them, of their doings, which shall state their finding in regard to the necessity aforesaid, and the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said justice of the peace or probate judge, under seal, and forthwith filed in the city clerk's office. Such jurors shall be entitled to receive one dollar and fifty cents per day. The judge of probate, or the justice of the peace before whom such proceedings are had shall receive for his services, five dollars for such proceedings; the fee of the officer summoning such jury shall be one dollar.

Jury to view the premises.

Finding of jury.

Fees.

Award of the jury.

Certified copy.

Damages, how levied and collected.

Unknown owners.

Damages must be paid or tendered before entering upon land.

SEC. 2. The city council may confirm or disaffirm, by resolution, the award of the jury in any case. In case of disaffirming the same, it shall be lawful for said council to institute new proceedings at any time after the lapse of six months from the date of such award, to appropriate the same property. In case the award of a jury be confirmed by said city council, then, in such case the award shall be final and conclusive. A copy of said proceedings, certified by the city clerk, under the seal of the city, shall be received as *prima facie* evidence of said proceedings in all the courts of the State.

SEC. 3. The damages which shall have been awarded as hereinbefore provided, or which shall have been contracted to be paid by the city council, and the fees and charges lawfully incurred, shall be levied and collected in said city, and shall be paid on the order of the council as other city charges, and the damages shall be paid or tendered to any person or persons in whose favor such award of damages shall be made, if known, before such property, interest, or estate therein shall be appropriated to public use. If any party or parties in whose favor an award of damages shall be made, are unknown, or non-residents, it shall be sufficient to make the award of damages to "the unknown owner or owners," or "non-resident owner or owners," of any parcel of land taken, interest, or estate therein; and the unknown parties or non-residents shall be entitled to receive their orders as aforesaid, upon proof to the city council of their ownership of the property so appropriated to public use. When damages or compensation shall have been paid or tendered to the person or persons entitled thereto, or an order on the city treasury for the amount of such damages shall have been executed and delivered, or tendered to such person or persons, if known, and residents of said city, the city council shall have full power and authority to enter upon and appropriate such property to the use for which the same was taken, and for that purpose may employ such assistance as may be necessary.

SEC. 4. The jury shall consider upon each parcel of land described

in the application to the justice of the peace, or probate judge, separately. If only part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefits resulting to the remainder of the premises from the proposed improvements, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefits. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, and the same shall be made to appear to said jury, they shall apportion to each such share of the damage awarded as shall be just. Damages and compensation for taking the lands of any deceased persons may be awarded to his estate.

Each parcel of land to be considered separately.

Separate claims.

Deceased persons estate.

SEC. 5. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and report in which they have agreed; and upon any disagreement the justice of the peace, or probate judge before whom the proceedings have been instituted, may, upon request of the mayor or city clerk, impanel a new jury in the same manner as provided for impaneling the original jury, and like proceedings shall thereupon be had concerning any lands in which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice of the peace, or probate judge, before whom the proceedings are had, may appoint another in his place, who shall have the qualifications and be sworn, and exercise the same duties as the other jurors of the panel; but in which case the proceedings shall begin anew from the empaneling of the jury.

Disagreement of jury.

New jury may be impanelled.

Jury may be appointed.

SEC. 6. At the time of making the application to the justice of the peace or probate judge for the impaneling of a jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of the State, and service of all notices required to be made, may be made on such guardian; but if there should be no guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice of the peace or probate judge before proceeding with the matter shall appoint some disinterested person as guardian *ad litem*, to protect the interests of the person for whom he is appointed, and such guardian *ad litem* shall have authority to receive and receipt for all damages and compensation awarded to his or her ward, and such ward shall be bound thereby.

Guardian.

Guardian ad litem.

SEC. 7. In case of the application being made in the first instance to the judge of probate of Calhoun county, it shall be the duty of the judge of probate to act in the premises in such instance; and he shall have the same powers and jurisdiction therein, and his acts when certified to by him shall be entitled to the same faith and credit, as if he were in fact a justice of the peace.

Judge of probate to have jurisdiction.

CHAPTER XXII.

ORDINANCES.

Ordinances,
style of.

SECTION 1. The style of all ordinances shall be, "Be it ordained by the city council of the city of Albion." All ordinances shall require for their passage, the concurrence of a majority of all the members of the city council.

Fines, penalties
and forfeitures,
amount of.

SEC. 2. When by the provisions of this act the city council of said city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures not exceeding five hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender on failing to pay such fine, penalty, or forfeiture, and the costs of prosecution may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made, and may direct such imprisonment to be in the county jail of Calhoun county. Such fine, penalty, forfeiture, or imprisonment for the violation of any ordinance shall be prescribed therein.

Publishing by-
laws or ordi-
nances.

SEC. 3. No by-law or ordinance shall be of any effect until the same shall have been published at least once in each week for two successive weeks in some newspaper printed and published in said city.

By-laws and
ordinances to be
recorded.

SEC. 4. Immediately after any by-law or ordinance shall have become operative, it shall be the duty of the city clerk to enter the same, together with the evidence of its publication, in a book to be kept by him in his office for that purpose and to be known as the "Book of Ordinances," and he shall certify thereto the ordaining of such ordinance or by-law. Whenever any by-law or ordinance shall have been passed by the city council and published as provided in section three of this chapter, the same shall be operative and in force. It shall not be necessary to give notice of the repeal of any by-law, rule, or regulation.

Judicial notice.

SEC. 5. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to, or arising under, the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of such ordinances, and whenever it shall be necessary to prove any of the by-laws, regulations, or ordinances of said city, or any resolution adopted by the city council, the same may be read in evidence in all courts of justice, and in all proceedings. First, from a record thereof kept by the city clerk; second, from a copy thereof, or of such record thereof, certified by the city clerk under the seal of the corporation; third, from any volume of ordinances purporting to have been written or printed by authority of the city council.

By-laws and
ordinances, how
proved.

Amendments.

SEC. 6. No ordinance shall be amended unless the whole, or so much as is intended to be amended, shall be re-enacted. When any section of an ordinance is amended the whole section as amended shall be re-enacted.

CHAPTER XXIII.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecution for the violation of the ordinances of said city shall be commenced within two years after the commission of the offense, and shall be brought within the city. Prosecutions to be brought within two years.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid. Pecuniary penalty.

SEC. 3. Such action shall be brought in the name of the city of Albion, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same as nearly as may be, as in like actions provided by law for the recovery of penalties and forfeitures for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and, except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Action brought in the name of the city and by summons.
Execution to issue forthwith.
Imprisonment of defendant.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Prosecutions may be commenced by warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace. In the name of the people, etc.
Proceedings the same as in criminal cases.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution. In no case shall the party complained of recover costs. Judgment and punishment.

Judgment, how
executed.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine, and imprisonment in default of payment thereof, or where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Jails, use of.

SEC. 8. Said city of Albion shall be allowed the use of the jail of the county of Calhoun for the confinement of all persons liable to imprisonment, under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment in such county jail, and the sheriff, or other keeper of such jail, shall receive and safely keep any person committed thereto, as aforesaid, until lawfully discharged.

Process directed
to whom and
executed where.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city shall be directed to the officers authorized by law to serve process from a justice of the peace, and may be executed in any part of the State by said officers.

Ordinance,
title and date of
approval.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city of Albion, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the city council, and of the authority of the council to enact the same.

Cause of action,
how stated.

Judicial notice.

Jury.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates, except when otherwise provided by this act. No inhabitant

of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit. Inhabitants may be.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Calhoun by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as an appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by *certiorari*, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give bond or security thereon. The circuit court of said county shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof. Appeal. Certiorari. Judicial notice.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected, to such court or magistrate. If the accused be committed, payment of the fine and costs shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk. Fines to be paid to whom.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly. Idem.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be placed to the credit of the general fund. The expenses of the apprehension and punishment of persons violating the ordinances of the city shall be defrayed by the city out of the general fund. Idem.

SEC. 16. No case or prosecution shall be commenced under any ordinance of the city until the complaining party has furnished security for costs, unless the same be commenced by order of the mayor, the city council, or city attorney.

CHAPTER XXIV.

MISCELLANEOUS PROVISIONS.

Salaries.

SECTION 1. The mayor and aldermen shall each be entitled to receive a salary of one dollar a year for his services. Supervisors in the discharge of the duties of their office shall be allowed such compensation as is provided by law for supervisors of townships. Justices of the peace, constables, and officers serving process and making arrests shall be allowed such fees as provided for like services by general laws of the State.

Officers not to be interested in any contract.

SEC. 2. Members of the council or other officers of the city shall not be interested directly or indirectly, as principal, surety, or otherwise in the fulfillment of any contract, job, work, claim, or services other than official services rendered the city, the compensation for which it is to be paid out of the city treasury. A violation of the provisions of this section, on the part of any officer of the city, shall work a forfeiture of office and, in addition thereto, such penalty not exceeding two hundred dollars as the city council shall by resolution impose.

Standing and special committees.

SEC. 3. Standing committees appointed by the mayor shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Special committees may be appointed at any session of the city council, and such committees shall perform such duties relative to the matters referred to them as may be required by the council or by the mayor.

Acts repealed.

SEC. 4. All acts and parts of acts heretore passed in relation to the incorporation of the village of Albion are hereby repealed, subject to the provisions of section twelve of this chapter; but nothing herein contained shall be construed to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall be carried out and completed. All prosecutions for any offense committed or penalty or forfeiture incurred shall be imposed in the same manner and with the same effect as if this act had not been passed, but nothing in this section contained shall be construed to annul and impair or affect any ordinance, by-law, resolution or proceeding of said village not inconsistent with the provisions of this act, but the same shall continue and remain in force until the same are amended or repealed, as fully as though this act had not been enacted, subject to the limitation embodied in section six of this chapter.

Property belonging to corporation.

SEC. 5. All personal and real estate, franchise, credits, and effects whatsoever, and all right or interest therein belonging to the village of Albion under and by virtue of any former acts, and all demands due and to grow due to the same shall hereafter fully and absolutely belong to the corporation created and continued by this act, saving, nevertheless, to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created and continued every person who is or shall be possessed thereof shall deliver the same to the city of Albion with all the evidences touch-

ing the same, and said corporation may bring suit in its corporate name for the recovery of the same, and the corporation hereby created and continued shall be liable to pay all just debts due from or claims or demands against the village of Albion as heretofore existing, and all contracts and agreements heretofore made or entered into by the corporate authorities of the village of Albion shall be and the same are made binding and obligatory upon the corporation hereby created and continued the same as if this act had not been passed.

Liability of
corporation.

SEC. 6. The ordinances and by-laws in force in the village of Albion shall be and remain in full force and effect, the same as if the said village ordinances and by-laws were legally adopted by the city council under authority of this act, until ordinances shall be enacted by the city council under the provisions of this act, but not exceeding ninety days next ensuing the first Monday in April in eighteen hundred and eighty-five.

Ordinances and
by-laws.

SEC. 7. The city council shall, at the close of each fiscal year, cause to be published in at least two newspapers printed in said city a just and true account of all moneys received and expended by them in their corporate capacity during the year, or period preceding such publication, and also the disposition thereof previous to which they shall audit and settle the accounts of the city treasurer and the accounts of all other officers; such account shall also contain such reports from the different officers of the city and committees of the city council as said council may direct.

Moneys raised
and expended,
account of to
be published.

SEC. 8. When any by-law, ordinance, or regulation of said city shall be amended or repealed, the proceedings of the city council thereon shall be entered in the "book of ordinances," by the clerk and certified by him, and when so entered and certified the same or a certified copy thereof shall be read in evidence in all courts and proceedings the same as in this act provided for the admission in evidence of the ordinances of said city.

By-laws or ordi-
nances amended
or repealed.

SEC. 9. The townships of Albion and Sheridan shall be, remain and continue in all respects as immediately before the passage of this act, except that they shall exercise no jurisdiction or control within the limits of said city of Albion, and that township officers shall cease to exercise any official authority or perform any official act as such township officers within the city of Albion in any manner affecting the rights of person or property, of the citizens of said city of Albion after the election and qualification of the city officers herein provided.

Township offi-
cers, no juris-
diction within
the city.

SEC. 10. Whenever by this act, or any other provision of law, any power or authority is vested in, or duty imposed upon the corporation, city council, or board of health of said city, such city council or board of health may enact such appropriate ordinances, not inconsistent with the laws and constitution of the State, as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty, and enforce the same by suitable fines, penalties, forfeiture, or imprisonment.

Council may
enact appro-
priate ordi-
nances.

SEC. 11. This act shall be deemed a public act, and shall be

Construction,
alteration,
amending, etc.

favorably construed in all courts and places whatsoever. The Legislature may at any time modify, alter, amend, or repeal the same.

When to become
operative.

SEC. 12. The said village of Albion, and all the provisions of law having relation thereto, are hereby continued until the time or times prescribed by this act for proceedings under the several provisions thereof; and the officers of said village shall have and exercise control of the municipal affairs of said village until the second Monday in April, eighteen hundred and eighty-five, and until the newly elected city officers shall qualify and take their seats, and no longer.

Ordered to take immediate effect.

Approved March 26, 1885.

[No. 297.]

AN ACT to amend section three of chapter one, section ten of chapter seven, section eleven of chapter eight, section four of chapter twelve, and section twenty-seven of chapter twenty-four, of an act entitled "An act to incorporate the city of Manistee," approved March fifteenth, eighteen hundred eighty-two.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of chapter one, section ten of chapter seven, section eleven of chapter eight, section four of chapter twelve, and section twenty-seven of chapter twenty-four be and the same are hereby amended to read as follows:

CHAPTER I.

Wards, inhabi-
tants in each.

SEC. 3. Two additional wards may be created for every additional two thousand inhabitants up to ten thousand inhabitants, and from ten thousand inhabitants one ward for each additional two thousand inhabitants.

CHAPTER VII.

Treasurer, cus-
todian of mon-
ey's etc.

SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city, subject to the provisions hereinafter contained. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all the taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for

Warrants to be
signed by clerk
and mayor.

Accounts, how
kept.

the purpose for which the warrant was issued and having the name of such fund endorsed thereon by the clerk.

CHAPTER VIII.

SEC. 11. The council shall have control of the finances and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law, and shall have power to direct the deposit of all moneys, bonds, papers, and evidences of value in any safe bank or banks, and a contract with any such bank or banks for the safe keeping of the public moneys, and for the receipt of interest at a rate not exceeding ten per cent, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof; and such interest shall belong and be credited to the sinking fund: *Provided*, That when the common council has directed the treasurer to deposit said moneys with any bank or banks, such bank or banks shall give a bond to the city, with sureties and in an amount to be approved by the common council sufficient to protect the city from loss.

Council have control of finances, etc.

Provided.

CHAPTER XII.

SEC. 4. It shall be the duty of the police, and night watchmen, and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace, and to pursue and arrest any persons fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or of the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare, as the council may ordain, and to serve all process, except civil, directed or delivered to them for service, and for such purposes, the chief of police and every policeman and night watchman shall have all the powers of constable, and may arrest upon view, and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State; and the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of ordinances of the city.

Police, etc., duties of.

CHAPTER XXIV.

SEC. 27. Said warrant may be renewed, from time to time, by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal, the

Renewal of warrant.

Re-assessment
of tax.

warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same shall be re-assessed by the common council, with interest included, at the rate of ten per cent from the date of the confirmation of the assessment until the first Monday in December, then next, in the next ward tax-roll, and be collected and paid in all respects as hereinbefore provided.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 298.]

AN ACT to incorporate the village of Frankfort, Benzie county, Michigan.

Territory incor-
porated.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being situated in the township of Crystal Lake, in the county of Benzie, State of Michigan, known and described as follows, to wit: Lots two, three, and four of section twenty-one, the southeast quarter of the northeast quarter of section twenty-one, the south half of the north half of section twenty-two, the south half of section twenty-two; lots one, two, three, and four of section twenty-seven, the northwest fractional quarter of section twenty-eight, being situated in township number twenty-six north, of range number sixteen west, is hereby constituted a village corporate, known and designated as the village of Frankfort.

First election.

SEC. 2. The first election of officers in said village shall be held on the third Monday of April, in the year one thousand eight hundred and eighty-five.

Board of regis-
tration.

SEC. 3. Jesse Harris, William H. Chambers, and T. Benton Collins are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at Gallagher's hall, in said village, on the Saturday next preceding the said third Monday in April, eighteen hundred and eighty-five, and to register the names of all persons residents of said village presenting themselves for registration, having the qualifications of voters at annual township meetings; and said board of registration shall hold its subsequent meetings on the Saturday next preceding the day fixed by act number sixty-two of the session laws of eighteen hundred and seventy-five for the holding of elections in villages.

Notice of elec-
tion.

SEC. 4. Notice of said first election of officers of said village shall be posted in three public places in said village at least ten days before the time of said election, which notice shall be signed by said board of registration, or any two of them.

Powers and du-
ties.

SEC. 5. The said village of Frankfort, in all things not herein otherwise provided, shall be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen

hundred and seventy-five, entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in section two of this act, on notice being given, as provided in section four of this act. Election may be held at other than time fixed.

SEC. 7. This act shall take immediate effect.

Approved April 1, 1885.

[No. 299.]

AN ACT to incorporate the village of Boyne City.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: All of section thirty-five, and the fractional piece bounded on the north and west by Pine lake, on the east by said section thirty-five, and on the south by the township of Wilson, both of which parcels of land are situate in township thirty-three north, of range six west, in the county of Charlevoix, and state of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Boyne City. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held on the third Monday in April, in the year eighteen hundred and eighty-five, at the United States hotel in said village. First election.

SEC. 3. Elisha H. Shepard, Frank M. Abraham, and John C. McFellin are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village; and said board of registration are hereby required to meet at the United States hotel in said village, on the Saturday preceding the third Monday in April, in the year eighteen hundred and eighty-five, and register the names of all persons residents of said village presenting themselves for registration, having the qualifications of voters at annual township meetings. Notice of the time and place of such registration shall be posted in three of the most public places in said village, by said board, at least ten days previous to such registration. Board of registration.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least ten days before the time of said election; which notice may be signed by any five electors in said village. Notice of election.

SEC. 5. The said village of Boyne City, in all things not herein otherwise provided, shall be governed by, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto. Powers and duties.

Election may be held at other than time appointed.

SEC. 6. In case said first election shall not, for any reason, be held on the third Monday of April, eighteen hundred and eighty-five, such election may be held at any time within one year from the date of the approval of this act.

SEC. 7. This act shall take immediate effect.

Approved April 1, 1885.

[No. 300.]

AN ACT to amend an act entitled "An act to re-incorporate the village of Benton Harbor."

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of article twenty-six of act number four hundred and twenty-eight (428), local acts, session laws of eighteen hundred sixty-nine, be and the same is hereby amended so that it will read as follows:

Authorized to borrow money.

SECTION 1. The board of trustees of said village shall have power to borrow money for public improvements, on the credit of said village not exceeding five thousand dollars: *Provided*, The said board of trustees shall not have power to borrow money for public improvements when there is an outstanding indebtedness against said village equal to the amount of ten thousand dollars: *And provided further*, That when said board wish to borrow a sum of money exceeding one thousand dollars, they shall first submit the same to the electors for approval, at an annual or special election in said village.

Proviso.

Provided further.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 301.]

AN ACT to amend sections two and five of chapter three, and section one of chapter nineteen, entire of chapter twenty-one, by substituting a new chapter therefor, to stand as chapter twenty-one; and to amend section five of chapter twenty-four of act number two hundred and twenty-three of the session laws of eighteen hundred and eighty-three, entitled "An act to incorporate the city of St. Ignace," approved March fourteenth, eighteen hundred and eighty-three.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two and five of chapter three, and section one of chapter nineteen, entire of chapter twenty-one, by substituting a new chapter therefor, to stand as chapter twenty-one; and section five of chapter twenty-four of act number two hundred and twenty-three of the session laws of eighteen hundred and eighty-three, entitled "An act to incorporate the city of St. Ignace," approved March

fourteenth, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows:

CHAPTER III.

SECTION 2. In each ward a supervisor, two aldermen, one constable, and two school inspectors shall be elected: *Provided*, At the annual election to be held in said city on the first Monday in April, in the year of our Lord eighteen hundred eighty-five, one of said aldermen and one of said school inspectors shall be elected for the term of one year, and one of said aldermen and one of said school inspectors for the term of two years, respectively; and at each annual election thereafter there shall be elected one alderman and one school inspector, who shall hold their office for the term of two years, respectively.

Officers to be elected in each ward.

SEC. 5. The mayor, city clerk, treasurer, supervisor and constable shall hold their offices for the term of one year; and the school inspectors and aldermen, except as indicated in section two of this act, shall hold their office for the term of two years, from the first Monday in April, when elected, and until their successors are qualified and enter upon the duties of their office.

Term of office.

CHAPTER XIX.

SECTION 1. The council shall have supervision and control of all public highways, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance. By ordinance the city may be divided into street districts, each ward to constitute a district. The city council shall cause to be raised in each street district the amount of money reported by the aldermen of each ward or district to be raised and expended in each district as other city taxes.

Highways, streets, etc., under the supervision of council.
Street districts.

CHAPTER XXI.

SECTION 1. When, by the provisions of this act, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessments upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessments may be made as in this chapter provided.

Special assessment.

SEC. 2. The supervisors of the several wards, or a majority of them, of said city of St. Ignace, shall constitute a board of assessors for making special assessments. If a member of the board of assessors shall be interested in any particular special assessment, the city council shall appoint some other person to act in his stead in making the particular assessment, who for the purpose [purposes] of that assessment shall be a member of the board.

Board of assessors.

SEC. 3. When the city council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or portion of

Duty of council in case of special assessment.

	the expense shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or shall be borne by the city, and shall designate the lands and premises upon which the special assessment shall be levied.
Estimates, plats and diagrams.	SEC. 4. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment the city council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved and file the same with the clerk.
Costs to include what.	SEC. 5. The costs and expenses of any improvement which may be defrayed by special assessment shall include the cost of surveys, plans, assessments, notices, advertising, and cost of construction.
Special assessment may be levied when.	SEC. 6. Special assessments to defray the cost of any improvement may be levied before making the improvement.
Special assessment according to frontage or benefits.	SEC. 7. When any special assessment is to be made <i>pro rata</i> upon the lots and premises for any improvement according to frontage or benefit, the city council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed and whether according to frontage or benefits; and describe or designate the lots and premises or locality to be assessed.
Duty of board of assessors.	SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons and against the lands assessed to them the amount to be assessed, in the manner directed by the city council and the provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the city council.
If assessment is according to frontage.	SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting on the improvement bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.
If according to benefits.	
In what case name of owner to be reported to council.	SEC. 10. When any expense shall be incurred to the city upon or in respect to any single or separate lot or parcel of land or premises which by the provisions of this act the city council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made <i>pro rata</i> upon several lots or parcels of land, on account of the labor or services for which such expenses were incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, the name of the owner or person chargeable therewith shall be reported to the city council in such manner as the council shall prescribe.

SEC. 11. The city council shall determine the correctness of such account, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and as often as the city council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith, respectively, to be reported to the assessors of said city for assessment.

To be reported
to the assessors.

SEC. 12. Upon receiving such report, mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel so reported to them and against the persons chargeable therewith, if known, the whole amount or amounts of all charges so directed, as aforesaid, to be levied upon each of such lots or premises, respectively, and when completed they shall report the assessment to the city council.

Special assess-
ment roll.

SEC. 13. When any special assessment shall be reported by the board of assessors to the city council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered. Before confirming the assessment the city council shall cause notice to be published for one week at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the city council and board of assessors will meet to review the same. Any person objecting to the assessment shall file his objections thereto in writing with the clerk of said city on or before the review day.

Special assess-
ment to be filed
in the office of
city clerk.

Notice to be
published.

Review of.

SEC. 14. At the time appointed for that purpose aforesaid, the city council and board of assessors shall meet, and then or at some adjourned meeting, review the assessments, and the said city council shall correct the same if necessary and confirm it; or they may refer the assessment back to the assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the clerk shall endorse a certificate thereof upon the roll of each supervisor in whose ward the whole, or any part of such special assessment shall be made, of the special tax belonging to, and to be assessed in his ward, and showing the date of confirmation.

Idem.

Confirmation of
special assess-
ment.

SEC. 15. When any special assessment shall be confirmed by the city council it shall be final and conclusive. Special assessments shall be due and payable on confirmation.

Idem.

SEC. 16. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots and parcels of land assessed, and shall be a charge against the persons to whom assessed till paid.

Lien after date
of confirmation.

SEC. 17. Should any special assessment prove insufficient to pay the improvement or work for which it was levied, and the expense incident thereto, the city council may make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount has been collected than necessary, the excess shall be refunded ratably to those by whom it was paid.

Additional
assessment.

Refunding.

SEC. 18. Whenever any assessment, heretofore or hereafter made,

- Invalid assessment.** shall, in the opinion of the city council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the city council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purposes for which the former assessment was made. All the proceedings on such assessment and for the collection thereof shall be conducted, as near as may be, in the same manner as herein provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.
- New assessment.**
- Proceedings, how conducted.**
- Lien of the city.** SEC. 19. No judgment or decree nor any act of the city council vacating a special assessment for any irregularity occurring after the same shall have been levied, shall destroy or impair the lien of the city on the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.
- Special assessment when confirmed, how levied.** SEC. 20. Whenever any special assessment shall be confirmed and be payable, the city council may cause the levy of the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith as a tax, upon the tax roll of the supervisor in whose ward the whole or any part of such special assessment shall be made next thereafter to be made, of the tax belonging to his ward, in a column of special assessments, and thereupon the amounts so levied in said tax rolls shall be collected and enforced with other taxes in the city, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when paid shall be paid into the city treasury.
- Special assessment roll may be made.** SEC. 21. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the city council instead of requiring the assessment to be levied in the city tax rolls, as provided in the preceding section, may direct the assessment to be made in a special assessment roll and to be collected directly therefrom; and thereupon said board of assessors shall cause to be attached thereto a warrant under their hands, as a majority of said board, commanding the city treasurer of the city to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chattels of such person; and that he pay the money collected into the city treasury, and that he return the said roll and warrant, together with his doings thereon, in thirty days from the date of such warrant. Such warrant may be renewed from time to time by the city council not exceeding ninety days in all; and after the first renewal it shall be lawful to charge three per cent upon
- Warrant to be attached and to command what.**
- May be renewed.**

each unpaid assessment as cost of collection, and after each and every other extension or renewal it shall be lawful to charge four per cent.

SEC. 22. Upon receiving said assessment roll or rolls and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall refuse or neglect to pay his assessment on demand, the city treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of sale by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto. The proceedings of the city treasurer in making such seizure and sale, and the fees therefor, shall be the same as in making distress and sale of property for nonpayment of taxes as provided in chapter twenty-one of this act.

City treasurer,
his duties.

Notice of sale.

Proceedings and
fees.

SEC. 23. The city treasurer shall pay the moneys and all the costs and expenses collected by him into the city treasury, and file a statement thereof with the city clerk. He shall also make return of said assessment roll and warrant according to the requirements of the warrant. In case any assessment shall be finally returned unpaid, by the city treasurer, he shall make a list thereof containing the names of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each, verify such list by his affidavit and file the same with the city clerk. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same shall then be reassessed by the city assessor, with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the date of the passage of the next annual appropriation bill, in the next tax roll or rolls, and be collected and paid in all respects as provided in section twenty or twenty-one of this chapter.

Duties of city
treasurer.

SEC. 24. At any time after a special assessment has become due and payable, the same may be recovered by suit in the name of the city of St. Ignace, against the persons assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified copy of the resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Suit to collect
special assess-
ment.

SEC. 25. If, in any such action, it shall appear that by reason of irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that

Irregularities,
etc.

expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Retroactive.

SEC. 26. The provisions of the last two preceding sections shall apply as well to assessments made before the passage of this act, and remaining unpaid, as to those made after its passage.

CHAPTER XXIV.

Board of review.

SECTION 5. The supervisors of the city, together with one elector in each ward to be appointed by the common council, on or before the first Monday in August, shall constitute a board of review, and the said board of review shall meet at the council room on the second Monday in August and there proceed to review and correct the assessment made by the supervisors in the several wards; and for that purpose said board shall have the same powers and perform the same duties in all respects as the board of review of townships in revising and correcting assessments. Said board shall continue in session not less than two, nor more than six days, for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the city clerk by publication in one of the newspapers of the city at least one week before the time for the review.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 302.]

AN ACT to amend section one of "An act to establish a police force in the township of Grand Rapids," being act number two hundred and eighty-nine of the local acts of eighteen hundred and seventy-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of "An act to establish a police force in the township of Grand Rapids," being act number two hundred and eighty-nine of the local acts of eighteen hundred and seventy-seven, be and the same is hereby amended to read as follows:

Police, by whom appointed, duties of.

SECTION 1. That the township board of Grand Rapids shall have the power to and may on the first Monday of May, eighteen hundred seventy-seven, and annually thereafter, designate and appoint not less than two nor more than five policemen, whose special duty shall be to apprehend persons offending against any of the laws of the State of Michigan, and preserve good order by enforcing the law within said territory, and who shall, when appointed and qualified as hereinafter provided, hold their office for one year, and until their successors shall be duly appointed and qualified: *Provided, however*, That the township board of Grand Rapids shall have power to remove or suspend any person so ap-

pointed, and may, in such case, appoint any other person to fill the vacancy caused by such removal or suspension.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 303.]

AN ACT to incorporate the public schools of the township of Green, in the county of Alpena.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the township of Green, in the county of Alpena, be and the same is hereby organized, enacted, and declared to be a single school district, which shall be a body corporate by the name and style of "The public schools of the township of Green," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable; and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be in force in said district, except such as shall be inconsistent with the provisions of this act; and all schools organized in said district in pursuance of this act, under the directions and regulations of said board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years inclusive, and to such other persons as the board of education shall admit.

Territory incorporated.

Powers.

Free.

SEC. 2. The officers of said district shall consist of four trustees, who, together with the supervisor and clerk of said township, shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township of Green, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That at the annual election to be held in said township in the year eighteen hundred eighty-five, there shall be elected four trustees for said district by the electors thereof, two of whom shall hold their office for the term of one year, and the other two for the term of two years, and until their successors shall be elected and qualified; and the time for which the person voted for is intended shall be designated on the ballot; and at each election thereafter to be held, two trustees shall be elected in said district, who shall hold their offices for the term of two years, and until their successors shall be elected and qualified, said trustees to be designated on the ticket or ballot "For member of board of education."

Board of education.

Trustees, when elected.

Proviso.

SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to adminis-

Trustees, clerk to notify, oath of office.

Proviso.	ter oaths, and file the same with the township clerk: <i>Provided</i> , That in case the township clerk shall fail to give the notice required by this section, then the persons so elected may at any time before the third Monday of April then ensuing, take and subscribe said oath of office, and file the same as hereinbefore prescribed. The
Term of office, when to commence.	term of office of the trustees of said district shall commence on the third Monday of April following the annual township election at which they are elected.
When to organize.	SEC. 4. The said trustees shall meet on the third Monday of April in each year at the office of the township clerk and organize.
President.	The supervisor of the township shall be president of the board, but shall not be entitled to vote except in case of a tie. In the absence
President pro tem.	of the president at any meeting, a majority of the members present may choose one of their own number president <i>pro tem</i> . The town-
Township clerk.	ship clerk of said township of Green shall be, <i>ex officio</i> , clerk of said board of education, and shall perform such duties as the board may reasonably require, but shall not be entitled to vote therein; and in case of the absence of said clerk the board may choose some suitable
Treasurer.	person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is
Proviso.	elected and qualified, and may at any time fill a vacancy in the office of treasurer, from whatsoever cause such vacancy may occur: <i>Provided</i> , That the person appointed to fill a vacancy in the office
Oath of office.	of treasurer shall only hold the office for the unexpired portion of the term. The treasurer of said board shall within five days after his appointment as such treasurer, file with the clerk of said board
Bond.	the oath of office, as prescribed in section three of this act. He shall also, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honest accounting for all
Powers and duties of.	moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.
Vacancies, by whom filled.	SEC. 5. Said board of education shall have full power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said
Oath of office, when filed.	board the oath of office required by this act within five days after such election by the board.
Quorum, regular meeting.	SEC. 6. The majority of the members of the said board shall constitute a quorum, and the regular meetings of said board shall be held on the third Monday of April, August, December, and March
Adjournment.	in each year, and no notice of such meetings of said board shall be required, and the president and clerk or any two members of said board shall be sufficient to adjourn any meeting from time to time
Special meetings.	until a quorum be present. Special meetings of said board may be called at any time on the request of the president of said board or two members thereof, in writing delivered to the clerk; and the

clerk, upon receiving such request, shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office, unless otherwise ordered by resolution of the board, and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any tax-payer of said district.

Where held.

Records and papers in custody of whom.

SEC. 7. The said board shall be the board of school inspectors for said district, and shall as such report to the clerk of the county of Alpena, and the office of school inspector is hereby abolished except as vested in said board. The said board shall not contract with or employ any person to teach in any of the public schools of said district who has not a certificate in force from proper legal authority and granted in pursuance of the general and public school laws of the State.

School inspectors.

Certificate to teach.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, employ teachers qualified as provided in section seven of this act, provide books for district library, to make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law, so that the district may be entitled to its proportion of the primary school fund, and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment of teachers duly qualified as in section seven of this act; relative to regulations of schools and the books to be used therein, and generally to do all things needful and desirable for the maintenance, prosperity, and success of the schools of said district, and the promotion of the thorough education of the children thereof; relative to anything whatever that may advance the interests of education, the good government and prosperity of the schools of said district, and the welfare of the public concerning the same. It shall be the duty of said board to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and the district library of said district, and the board may adopt such by-laws and rules for their own procedure as they may deem necessary.

Board of education, powers, etc.

SEC. 9. At each annual township meeting held in said township of Green the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year, which amount the township clerk shall within sixty days thereafter certify to the supervisor of Green, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected, and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting school-houses no greater sum than five mills on the dollar

School tax, by whom determined.

Provide.

of all the taxable valuation of the real and personal property in said district shall be levied in any one year.

School tax to be
in separate col-
umn.

SEC. 10. All taxes assessed within said township of Green for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Township treas-
urer, duties of.

SEC. 11. The treasurer of the township of Green shall at any time, at the written request of said board of education, report to said clerk the amount of school money in his hands, and shall on the order of the president of said board of education pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

Board of educa-
tion, duties of.

SEC. 12. The said board shall annually on the third Monday of March in each year make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board, and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of the said township of Green, at their annual meeting on the first Monday in April thereafter, at the hour of twelve o'clock noon.

Report.

Property, debts
and liabilities.

SEC. 13. All school property both real and personal within the limits of the township of Green shall, by force of this act become the property of "the public schools of the township of Green," hereby organized, and all debts and liabilities of the primary school districts of said township of Green as they existed prior to the taking effect of this act shall become the debts and liabilities of said "public schools of the township of Green" to the extent as they existed and were valid against such primary school districts, and said district hereby organized shall be subject to be sued in the same manner, and all other proper and suitable proceedings against it may be taken as though it had been the original debtor.

Public school
moneys.

SEC. 14. All moneys raised or being raised by tax, or accrued or accruing to the school districts of said townships as organized under the primary school laws of this State, shall hereby become the money of "the public schools of the township of Green," and no tax now ordered, assessed, or levied for school purposes, in said township, or other proceeding, shall be invalidated or affected by means of this act.

Compensation
of trustees,
president and
clerk.

SEC. 15. The compensation of the trustees of said district, and of the president of said board, shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk of said board shall receive such compensation for his services as the board may determine, not exceeding one hundred dollars per annum.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 304.]

AN ACT to incorporate the village of Metamora, [in] Lapeer county.

SECTION 1. *The People of the State of Michigan enact*, That the Territory following described territory, to wit: The east three-fourths ($\frac{3}{4}$) of the south one-half ($\frac{1}{2}$) of section nine (9), and the east three-fourths of the north one-half ($\frac{1}{2}$) of section sixteen (16), situated in town six (6) north, range ten (10) east, county of Lapeer, Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Metamora. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held at Stone's hall, in said village, on the third Monday of April, in the year of our Lord eighteen hundred and eighty-five, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election. First election. Notice.

SEC. 3. George W. Stone, Henry Townsend, and Lewis J. Struble are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on Saturday next preceding said day of election, at said Stone's hall, and remain in session the same hours required of the board of registration at general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration. Board of registration.

SEC. 4. The said village of Metamora shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto. Powers and duties.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two of this act, on notice given as provided by said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of the board of registration shall take the constitutional oath of office before entering on the discharge of their duties. Election may be held at other than time appointed. Notice. Vacancies. Oath of office.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 305.]

AN ACT to amend sections four, eight, ten, thirteen, sixteen, nineteen, forty-five, forty-eight, fifty-two, fifty-three, fifty-four, fifty-nine, sixty-one, sixty-three, sixty-five, sixty-six, eighty-six, ninety-one, and ninety-five of an act entitled "An act to revise the char-

ter of the city of Adrian," approved March twentieth, eighteen hundred sixty-five, as amended by act approved March sixteen, eighteen hundred sixty-nine, and further amended by act approved March eighteen, eighteen hundred seventy-one, and still further amended by act approved April third, eighteen hundred seventy-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections four, eight, ten, thirteen, sixteen, nineteen, forty-five, forty-eight, fifty-two, fifty-three, fifty-four, fifty-nine, sixty-one, sixty-three, sixty-five, sixty-six, eighty-six, ninety-one, and ninety-five of an act entitled "An act to revise the charter of the city of Adrian," approved March twentieth, eighteen hundred sixty-five, as amended by act approved March sixteen, eighteen hundred sixty-nine, and further amended by act approved March eighteen, eighteen hundred seventy-one, and still further amended by act approved April third, eighteen hundred seventy-nine, be and the same are hereby amended so as to be and read as follows:

City and ward
officers.

SEC. 4. The following officers of the corporation shall be elected on a general ticket, by the qualified electors of the whole city, viz.: A mayor, city recorder, city treasurer, receiver of taxes, street commissioner, city marshal, and four justices of the peace. The following officers of the corporation shall be elected on a ward ticket in each ward, by the qualified electors thereof, viz.: A supervisor, two aldermen, and one constable.

Constitutional
oath of office.

SEC. 8. Justices of the peace elected under the provisions of this act shall take and subscribe the constitutional oath of office, and file the same with the clerk of the county of Lenawee, within the time prescribed by law. All other officers so elected, and all officers appointed by the common council shall, within ten days after notice of their election or appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and file the same with the city recorder.

Term of office.

SEC. 10. The mayor, recorder, treasurer, receiver of taxes, street commissioner, marshal, supervisors, and constables, shall be elected at the annual city election, and shall hold their offices for the term of one year, and until their successors are elected and qualified.

Justice of the
peace.

One justice of the peace shall be elected at the annual city election in the year eighteen hundred and sixty-five, and there shall be elected annually thereafter, at each annual city election, one justice of the peace. The term of office of each justice of the peace (excepting in cases where such justice shall be elected to fill a vacancy) shall commence on the fourth day of July following his election, and shall continue four years, and until his successor shall be elected and qualified.

Alderman.

One alderman shall be elected in each ward, at the annual city election in the year eighteen hundred and sixty-five, and shall hold his office for the term of two years, and until his successors shall be elected and qualified; and there shall be elected annually thereafter in each ward one alderman for the like term.

SEC. 13. The mayor and alderman [aldermen] of said city shall each receive a salary not exceeding fifty dollars a year and no more. All other officers of said corporation shall receive such compensation for their services as the common council shall prescribe, except where the same is fixed by this act, or is or shall be prescribed by other statutes of this State: *Provided*, That the city marshal shall not receive more than eight hundred dollars, and such salary shall be in full of all fees, charges, and emoluments, for all services rendered by him in the performance of any of the duties of his office in any one year. And all fees and costs chargeable under any ordinance or other provision of law, for any services performed by the city marshal, whether the same shall be performed under any ordinance of said city, or under any law of this State, or otherwise, shall be collected by said marshal, and shall be by him paid into the city treasury within one month after the collection thereof, and the same shall belong to said city. Said city marshal shall not, during his term of office as such marshal, hold the office of constable, or be appointed to any other office under the charter or ordinances of said city. And if said city marshal, by agreement or arrangement with any other officer or person, shall receive, either directly or indirectly, any money, compensation, or fee, or any portion of the fees and costs charged or chargeable for services performed, or on account of services to be performed by any other officer or person, he shall be deemed guilty of a misdemeanor, and shall be punished accordingly. The city recorder shall not receive more than the sum of one thousand dollars for his services in any one year, which shall be in full for all services performed by him in the discharge of the duties of his office, and in full for the services of any deputy, all clerk hire, or other assistants required in the performance of the duties of his office. The receiver of taxes shall not receive more than the sum of three hundred dollars for his services in any one year, which shall be in full for all services performed by him in the discharge of the duties of his office, and in full for the services of any deputy, all clerk hire, or other assistants required in the performance of the duties of his office.

Salary.

Proviso.

Fees.

City marshal.

Recorder's salary.

Receiver of taxes, salary.

SEC. 16. The common council shall have power to remove from office the recorder, marshal, treasurer, receiver of taxes, and any street commissioner for any violation of the provisions of this act, or any ordinance or by-law of said city, or for refusing to perform the lawful requirements of said common council. But the removal of any officer shall not, nor shall the appointment of any other person in his place, exonerate the officer removed or his sureties, from any liability incurred by him or them.

Removal from office.

SEC. 19. In case a vacancy shall occur in the office of any justice of the peace, the same shall be supplied by election at the next annual election. In case of a vacancy in the office of mayor, or any alderman, the same may be supplied by a special election, and in case a vacancy shall occur in any other office the same may be supplied by appointment by the common council.

Vacancy in office, how filled.

SEC. 45. The city recorder, in addition to the other duties imposed upon him by this act, shall keep the corporate seal, and all the

Recorder, powers and duties.

papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make and preserve a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the city, shall be evidence in all places, of the matters therein contained; he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license, and shall be gas inspector in and for said city, and perform the duties of the office of gas inspector without additional compensation than that prescribed in this act. No license for any purpose shall be valid until thus countersigned by the recorder; and he shall also perform such duties as are or may be required of township clerks in all cases in which he is authorized or required by this act to perform the duties of township clerk, and for such services he shall receive the same fees as they are entitled to receive under the laws of this State; he is also hereby authorized and empowered generally to administer oaths and to take affidavits. Before entering upon the duties of his office he shall execute to the city of Adrian a bond in such sum as the common council shall direct, and with sufficient sureties to be approved by the common council, conditioned for the faithful performance of the duties of his office.

Bond.

Deputy recorder.

SEC. 48. The city recorder shall, on assuming the duties of his office, appoint a deputy, who shall be an elector of said city, to be approved by the common council, and such deputy shall, in the absence or inability of the recorder to perform the duties of his office, perform all the duties of recorder as fully as the recorder might, or could of right, do the same.

Receiver of taxes, duties of.

SEC. 52. The receiver of taxes shall collect all taxes and moneys levied and assessed within said city for city purposes and for defraying the expenses of said city, within such time and in such manner as the common council shall by ordinance direct, except as herein otherwise provided. And all moneys so received by him for the purposes aforesaid, shall be paid over to the city treasurer immediately after the collection thereof.

Receiver to be collector of taxes, duties of

SEC. 53. The receiver of taxes shall be the collector of all taxes, assessed or levied for State, county, and school purposes in said city; and it shall be his duty to perform and discharge the same duties in relation to the collection and return of taxes, which may be assessed or levied in the several wards of said city for State, county, and school purposes, that are now or may be required to be performed by township treasurers in this State; and he shall enter into a bond to the county treasurer of Lenawee county, for the purposes and in the manner now required of such township treasurers,

Bond.

to be approved by said county treasurer; and shall also enter into a bond for such amount as the common council may direct, with sufficient sureties, to the treasurer of said city, who is hereby authorized to take and approve the same, conditioned that he will pay over to said city treasurer all moneys for school purposes, library, and school-house purposes, collected in said city which may come into his hands by virtue of his office.

SEC. 54. The receiver of taxes may, with the approval of the common council, appoint a deputy, and revoke such appointment at pleasure, which appointment and revocation shall be in writing under his hand, and shall be filed in the office of the city recorder; and such deputy may perform all the duties of receiver of taxes. The receiver of taxes and his sureties shall be responsible for the acts of the deputy, and all his clerks, assistants and employes; and in case of the death, resignation, or removal of said receiver by any other means, the deputy shall perform the duties pertaining to the office of receiver of taxes until such vacancy shall be supplied.

Deputy receiver of taxes.

SEC. 59. Any justice of the peace in said city is hereby authorized and empowered to enquire of, hear, try, and determine, in a summary manner, all offenses which shall be committed within the limits of said city, against any of the by-laws and ordinances that shall be made or adopted by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed; and such justices shall have original jurisdiction and power to hear, try, and determine all charges, complaints, actions, and prosecutions for the recovery or enforcing of any and all fines, penalties, or forfeitures for alleged violations or infringements of the acts of the Legislature of this State incorporating said city, except in cases where jurisdiction is given to some other courts; and all actions for encroachments upon, or injury to, any of the streets, lanes, alleys, bridges, parks, buildings, trees, fences, gates, or any other private or public improvements within said city, the proceedings in all such actions and prosecutions shall be according to and governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

Justice of the peace, jurisdiction of.

SEC. 61. Whenever a conviction is had, or judgment rendered for any fine, penalty, or forfeiture for a violation of this act or of any ordinance of said city, it shall be with costs of suit, and execution shall issue therefor.

Costs of suit.

SEC. 63. The several justices of the peace of said city shall have power in all cases where, by the provisions of this act or of any ordinances of said city, any person may be sentenced to imprisonment, to imprison in the jail of the county of Lenawee, in the same manner other justices of the peace in said county, any court of record of this State, or other competent authority, is authorized to commit to said jail; and in all cases where the term of such imprisonment shall exceed ninety days, such person may be sentenced to confinement in the State House of Correction at Ionia, and it is hereby made the duty of the keeper of said county jail to receive such per-

Imprisonment, jail, and house of correction.

sons as shall be brought to his custody by authority of any justice of said city, or of any officer of said city authorized to commit such persons.

Fees in certain cases.

SEC. 65. The justices of the peace of said city, when engaged in cases for the violation of the ordinances of said city, shall collect the same fees for their services as are allowed by law to justices of the peace in criminal cases.

Fines, etc., to whom paid.

SEC. 66. All fines, penalties, and forfeitures, recovered before said justices of said city for violation of any ordinance, by-law, or regulation, of the city of Adrian, shall be paid to the city treasurer, and all fines, penalties, and forfeitures recovered before any justice of the peace of said city, for violation of any of the penal laws of this State, shall be paid to the county treasurer such taxes, when collected and received by him, and all moneys received by him for and on account of any of the fines, penalties, or forfeitures, above mentioned, shall be paid over by such justice of the peace on the first Monday of the month next succeeding the day when such moneys were so received. And every justice of the peace of said city shall report on oath to the common council at the first regular meeting thereof in each month during the term for which he shall perform the duties of such justice, the number and name of every person against whom a judgment shall have been rendered for any of the fines, penalties, or forfeitures, in this section mentioned, and the amount of all moneys received by him on account thereof, or on account of any such prosecution or proceeding to recover any such fine, penalty, or forfeiture.

When to be paid.

Report of justice of the peace.

Common council, powers to regulate salaries, etc.

SEC. 86. *First*, The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers, and others as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of cities and villages, in relation to tavern keepers and common victualers, and subject to the same conditions and limitation, in addition to the powers herein otherwise granted; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries, and common victualers, shall be deemed applicable to this city, unless otherwise limited;

Idem.

Second, The common council shall have power to grant licenses, to authorize persons to exercise the business of tavern keeper, inn holder, common victualer, or saloon keeper within said city, and may impose such fees, to be paid into the city treasury, on the granting of such licenses, as they may see fit.

Common council, power to divide wards, etc.

SEC. 91. The common council shall have power, by ordinance duly passed, to change, alter, and determine the boundaries of any ward, and to divide any ward which shall have polled more than five hundred votes at the last general election, into two polling precincts, which precincts shall be as nearly equal as possible in population, and the common council shall have the power to provide for separate re-registration for each polling precinct, when any such precincts shall be created, and the registration of electors, and all

elections shall be conducted in each precinct as nearly as possible as elections are now conducted in the several wards, and no voter shall vote at other than the precinct in which he shall reside. The common council shall also provide two sets of registration books for any ward that shall be so divided, one for each precinct, and the board of registration shall be as now constituted, but each voter's name shall be registered in the book provided for the precinct in which he resides: *Provided*, That no ordinance shall be passed for the purpose of changing or altering the boundaries of any ward, except by a concurring vote of all the members of the common council in office. The common council shall designate the supervisor and two other electors as inspectors of elections in one precinct, and the aldermen and some other elector as such inspectors in the other precinct; and the supervisor and senior alderman shall be chairman of the board of election in their respective precincts. The returns of election in precincts shall be made and canvassed in the same manner as in wards, and the word "precinct" in elections shall, to all intents and purposes, be synonymous with the word "ward."

Registration books.

Proviso.

Inspectors of election.

SEC. 95. All fines, penalties, and forfeitures, recovered or collected for a violation of any ordinance, by-law, or regulation made or passed by the common council of said city, and all fines penalties, and forfeitures recovered, collected, or received by any officer of said city, for a violation of any law of this State, shall be paid to the treasurer of said city by the officer receiving the same, immediately after the receipt thereof; and any officer or person who shall neglect or refuse to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than three months, nor more than one year, or by both fine and imprisonment in the discretion of the court: *Provided*, That in case the officer receiving such moneys shall be a justice of the peace, he shall pay over the same at the times mentioned and provided in section sixty-six of this act, and all fines and penalties for the violation of the penal laws of this State, when paid into the treasury, as aforesaid, shall be disposed of as now provided by law.

Fines, etc., to be paid to whom.

Penalty for neglect to pay over.

Proviso.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 306.]

AN ACT to incorporate the village of Newberry, Chippewa county.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being situated in the township of McMillan, in the county of Chippewa, State of Michigan, known and described as follows, to wit: That part of south one-half of northwest one-fourth section twenty-five, south of D., M. & M. R. R. track, all of northwest one-fourth of southwest one-fourth section twenty-five, that part of southeast one-fourth of northeast

Territory incorporated.

one-fourth section twenty-six south of D., M. & M. R. R. track, and all of northeast one-fourth of southeast one-fourth section twenty-six, all in town forty-six north, range ten west, is hereby constituted a village corporate, known and designated as the village of Newberry.

First election. SEC. 2. The first election of officers in said village shall be held on the second Monday in April, in the year of our Lord one thousand eight hundred and eighty-five, at the school-house in said village, and on the second Monday in March in each year thereafter.

Board of registration, when to meet. SEC. 3. John H. Sherman, Richard H. Weller, and Sidney B. Wight are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the school-house in said village, on the Saturday preceding the second Monday in April, in the year one thousand eight hundred and eighty-five aforesaid, to register the names of all persons residents of said village, presenting themselves for registration, having the qualifications of voters at annual township meetings. And said board of registration shall hold its subsequent meetings on the Saturday preceding the second Monday in March in each year.

Notice of first election. SEC. 4. Notice of said first election of officers of said village shall be posted in three public places in said village at least ten days before the time of said election, which notice shall be signed by any five electors in said village.

Powers and duties of. SEC. 5. The said village of Newberry, in all things not herein otherwise provided, shall be governed by [and] its powers and duties defined by act number sixty-two, of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporate villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

Election may be held at other than time designated. SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in section two of this act, on notice being given as provided in section four of this act.

This act shall take immediate effect.

Approved April 1, 1885.

[No. 307.]

AN ACT to revise and amend the charter of the city of West Bay City, and to repeal all acts and parts of acts in conflict therewith.

Title I—of City Boundaries, Incorporations and Ward Boundaries.

Title II—of Electors and Registration.

Title III—of Elections and Appointments.

Title IV—of Powers and Duties of the Common Council.

Title V—of Duties and Compensation of Officers.

Title VI—of Private Property for Public Use.

Title VII—of Public Health.

Title VIII—of Cemeteries.

Title IX—of Markets.

Title X—of Public Buildings, Grounds, and Parks.

Title XI—of Sewers, Drains, and Water Courses.

Title XII—of Streets and Public Improvements.

Title XIII—of Assessments and Collection of Taxes.

Title XIV—of Finance and Taxation.

Title XV—of Prevention and Extinguishment of Fires.

Title XVI—of Public Schools.

Title XVII—of Miscellaneous.

TITLE I.

CITY BOUNDARIES, INCORPORATION, AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact*, That so much of the county of Bay, in the State of Michigan, to wit: ^{Territory in-}
Beginning at a point in the middle of the Saginaw river where the ^{corporated.}
north line of section fourteen, town fourteen north, of range five
east, crosses said river; thence southwesterly along the middle of
the main channel of said Saginaw river to a point where the south
line of section thirty-two, town fourteen aforesaid, crosses said Sag-
inaw river; thence west on the south line of said section thirty-two
to the southwest corner thereof; thence north along the west side
of sections thirty-two, twenty-nine, and twenty, town fourteen aforesaid, to the northwest corner of said section twenty; thence east
along the north line of said section twenty to the quarter post of
said section twenty; thence north along the quarter line of section
seventeen, town fourteen aforesaid, to the north line of said section
seventeen; thence east along the north side of the east half of said
section seventeen, and north line of sections sixteen, fifteen, and
fourteen, to the place of beginning, be and the same is hereby
declared to be a city by the name of West Bay City.

SEC. 2. The electors of said city, from time to time, being inhab- ^{West Bay City.}
itants thereof, shall be and continue a body corporate and politic,
to be known and distinguished by the name and title of the city of
West Bay City, and shall be and are hereby made capable of suing
and being sued, of pleading and being impleaded, of answering and
being answered unto, and of defending and being defended in all
courts of law and equity, and in all other places whatever; and ^{Seal.}
may have a common seal, which they may alter and change at
pleasure, and by the same name shall be and are hereby made capa-
ble of purchasing, holding, conveying, and disposing of any real
and personal estate for said city.

SEC. 3. The said city shall be divided into five wards as follows, ^{Wards, territory}
to wit: The first ward shall embrace all that portion of the city ^{in each.}
within the following described limits to wit: Beginning at the
center of the Saginaw river, where the north line of section four-

teen, town fourteen north, of range five east, crosses said river, running thence west on the north line of sections fourteen, fifteen, and sixteen to the northwest corner of the northeast quarter of the northwest quarter of said section sixteen; thence south on the sub-quarter line to the southeast corner of the northwest quarter of the southwest quarter of said section sixteen, thence south forty-one degrees and twenty minutes east, between the lands of John Bourn and the Keystone Lumber and Salt Manufacturing Company, to the center of the Saginaw river. The second ward shall embrace all that portion of the city contained in section sixteen not included in the first ward, the east half of section seventeen, the north half of the north half of section twenty, and all of section twenty-one north of the center line of Dunbar street, in Litchfield's addition to the village of Wenona, to railroad track, and north of the north line of said Dunbar street if extended easterly from railroad track to the center of the Saginaw river. The third ward shall embrace all that portion of the city contained in sections twenty and twenty-one north of the center line of Jane street, extending in a direct line east through Fitzhugh and Kiesel's sub-division of the west half of the southwest quarter of said section twenty, and the plat of Lake City to the center of the Saginaw river, and not included in the second ward. The fourth ward shall embrace all that portion of the city contained in section twenty south of the center line of said Jane street as described for the third ward, the north half of the north half of the northwest quarter of section twenty-nine, and that part of the plat of Salzburg north of the center line of Ninth street, to the center of the Saginaw river. The fifth ward shall embrace all that portion of the city contained in section twenty-nine not included in the fourth ward, and all of section thirty-two within the city of West Bay City.

TITLE II.

ELECTORS AND REGISTRATIONS.

- Electors.** SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State and no others, shall be electors therein.
- To vote where.** SEC. 2. Every elector shall vote in the ward where he shall have resided ten days next preceding the day of election. The residence of any elector, not being a house-holder, shall be the ward where he boards or takes his regular meals.
- Perjury.** SEC. 3. Any person who may be required to take an oath or affirmation under or by virtue of any provision of this act, who shall under such oath or affirmation in any statement, or affidavit or otherwise willfully swear falsely, as to any material fact or matter, shall be guilty of perjury.
- Board of registration.** SEC. 4. At the first annual election to be held under this act, and at each annual election thereafter to be held, there shall be elected by the qualified electors, voting in their respective wards, three persons who shall be the board of registration and inspectors of all elections to be held in their respective wards for the next succeed-

ing year, and they shall hold no other elective office during the year for which they are so elected. Two candidates for this office shall be nominated by each party, and of the persons thus nominated the three receiving the highest number of votes shall be declared elected; and if there be a vacancy on the board it shall be filled by the other members of the board on the nomination of the ward committee of the same party as the person whose absence or disability causes the vacancy.

SEC. 5. The board of registration, at their session previous to the general election in November, in the year one thousand eight hundred and eighty-eight (1888), shall make a re-registration of the qualified electors of the respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the boards next preceding the general election in the year eighteen hundred and ninety-two, and every fourth year thereafter. When such new registry shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made. Re-registration.

SEC. 6. On the Saturday next preceding the day for holding any general or charter election in said city the boards of registration of the several wards of said city shall be in session at such places in their respective wards in said city as the common council shall designate, for the purpose of revising and completing the list of qualified voters entitled to a vote at the election then next ensuing, during which session it shall be the right of each and every qualified voter then actually residing in said city, and whose name is not already registered in the ward in which he resides, to have his name entered in the register of said ward, on appearing before the board and making application therefor. Notices that such meetings for revising and completing the registers shall be given in the same manner, and the same rules shall be observed in such sessions, as are provided therefor by the laws of this State for annual registration in cities except as in this act otherwise provided. Board of registration to meet when.

TITLE III.

ELECTIONS AND APPOINTMENTS.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate. Annual election.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election. Special election.

Notice of special election.

SEC. 3. Whenever a special election is to be held under this act, the common council shall cause to be delivered to the inspectors of election in the ward or wards, where the same is to be held, a notice signed by the city recorder, specifying the officer or officers to be chosen, and the questions or propositions, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding such special election shall be the same as the annual charter election.

Idem.

SEC. 4. The recorder shall cause printed notices of the holding of such election to be posted at least six days previous thereto, in three of the public places in each of the several wards of said city, where such election is to be held, and by publishing a notice of the same at least six days previous thereto in some newspaper published in said city, or in Bay county.

How conducted.

SEC. 5. Such annual or special election shall be held and conducted in the manner provided by the laws of this State for holding general elections, except as by this act otherwise provided.

Ballot boxes.

SEC. 6. The common council shall provide suitable ballot boxes for each ward, with locks and keys, in which to deposit the ballots offered at any election.

Canvass of votes.

SEC. 7. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, according to law, and declare the result, and shall, on the same or on the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the recorder of the city.

Elective city officers.

SEC. 8. The elective officers of said city shall be one mayor, one treasurer who shall be, *ex officio*, city collector and a member of the board of supervisors of the county of Bay, one recorder who shall be, *ex officio*, city clerk and a member of the board of supervisors of the county of Bay, one comptroller who shall be, *ex officio*, city assessor and a member of the board of supervisors of the county of Bay, and four justices of the peace, all of whom shall be elected by the qualified electors of the whole city at the annual city election immediately preceding the time when the term of their offices respectively expires. There shall also be elected at each annual election, by the qualified electors of each ward, one alderman who shall hold his office for two years, one supervisor, one constable, and three inspectors of election, who shall hold their respective offices for one year, and until their successor is elected and qualified; each of such supervisors shall be, *ex officio*, a member of the board of supervisors of Bay county: *Provided*, The inspectors of election shall be elected in the manner provided in section four, title two of this act.

Ward officers.

Proviso.

Alderman, when elected and term of office.

SEC. 9. At the first annual charter election after the passage of this act, and at each annual charter election thereafter, there shall be elected one alderman in each ward of said city, by the electors thereof voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by

the electors thereof, one supervisor, one constable, and three inspectors of election, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject, in all respects, to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the first annual charter election after the passage of this act, there shall be elected on the city ticket, by the qualified electors of said city, one comptroller and one treasurer, each of whom shall hold his office for two years; and at every second annual charter election thereafter, unless a vacancy should sooner occur, there shall be elected a comptroller and treasurer, who shall each hold his office for two years. At the annual charter election in the year eighteen hundred and eighty-six, there shall also be elected on the general city ticket, by the qualified electors of said city, one mayor and one recorder, each of whom shall hold his office for two years; and at every second annual charter election thereafter, unless a vacancy should sooner occur, there shall be elected a mayor and a recorder, who shall each hold his office for the term of two years. Each of said officers shall hold his office until his successor is elected and qualified: *Provided, however,* That all persons now holding offices in said city, shall continue to hold their several offices for the remainder of their unexpired terms, except as herein otherwise provided for school officers. The treasurer shall be ineligible for re-election for the next succeeding term after his election, under this act.

Supervisor, constable, inspectors of election.

Comptroller and treasurer, term of office.

Mayor and recorder, term of office.

Provide.

Treasurer ineligible for re-election.

SEC. 10. At the annual city election for the year eighteen hundred and eighty-five (1885), there shall be elected, on the city ticket, one justice of the peace who shall hold his office for four (4) years and who shall be the legal successor of Samuel L. Brigham—one of the present justices of the peace of the city—and one justice of the peace who shall hold his office for three years and who shall be the legal successor of Stephen P. Flynn—one of the present justices of the peace of the city—and one justice of the peace who shall hold his office for two (2) years and who shall be the legal successor of Fred Neuman—one of the present justices of the peace of the city—and one justice of the peace who shall hold his office for one year and who shall be the legal successor of Robert Leng—one of the present justices of the peace of the city—and at each annual city election thereafter there shall be elected one justice of the peace who shall hold his office for four years and who shall be the legal successor of the justice of the peace whose term of office then first expires. The present justices of the peace of said city shall continue to hold their respective offices until the expiration of their respective terms and till their successors are elected and qualified under this act.

Justice of the peace.

SEC. 11. If at any election in the said city there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for the said office, shall be designated on the ballot.

Full term or vacancy to be designated.

Council to meet
when and where
to determine re-
sult of election.

SEC. 12. The council shall convene on Thursday next succeeding any charter election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the recorder shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, and the other shall be filed in the office of the recorder, except as herein otherwise provided for school trustee elections.

Persons receiv-
ing equal num-
ber of votes to
cast lots.

SEC. 13. The person receiving the greatest number of votes for any office in said city or ward shall be deemed to have been duly elected to such office; but if two or more persons shall receive an equal number of votes for any office, the council shall appoint a day for the appearance before them of all such persons, for the purpose of determining by lot the right to such office, and shall cause notice thereof to be given to all such persons interested. At the time appointed such persons shall draw lots for such office before the common council, in the same manner, as near as may be, as is prescribed by law for the drawing of lots by candidates for members of the Legislature, and the person successful in the lot shall be declared duly elected, except as otherwise provided for school trustee election.

Recorder, duty
to notify per-
sons elected or
appointed.

SEC. 14. It shall be the duty of the recorder of said city, as soon as practicable, and within three days after the election or appointment of any officer or officers, to notify such officers respectively of their election or appointment; and the said officer so notified as aforesaid, shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same, together with his official bond, if any be required, in the recorder's office of said city. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report in writing to the council, the names of the persons elected or appointed to any office who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

Officers to be
appointed, the
common coun-
cil.

SEC. 15. The common council shall, on the third Monday in April in each year, or as soon thereafter as may be, appoint one city marshal, one city attorney, one harbor-master, and one city surveyor, and also one street commissioner, and may appoint one city sexton, and so many policemen, watchmen, fire wardens, pound-masters, inspectors of fire-wood, weigh-masters, and auctioneers as they shall from time to time deem necessary, and also such other officers as may be necessary to carry into effect the provisions of this act, who shall hold their offices for one year; and the common council may prescribe their duties, in addition to those defined in this act. Whenever any officer appointed by the provisions of this section shall, for any cause, be unable to perform the duties of his office, the common council shall have power to appoint an officer

who shall perform the duties of the office until such disability shall cease.

SEC. 16. If any person elected or appointed under this title shall not take and subscribe the oath of office, and file the same as herein directed, or shall not cause a notice of acceptance to be filed as herein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, such acceptance be signified, and such bond executed and filed as aforesaid.

Neglect to file bond deemed refusal to serve.

SEC. 17. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for a like offense, under the general laws of this State now or hereafter in force and applicable thereto, and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Officers to deliver to successors all books, etc.

SEC. 18. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except justices of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person; and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until his successor shall be elected and qualified; if an elective office which shall have become vacant is one of that class whose term of office continues after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Officers appointed to fill vacancy.

SEC. 19. Any person elected or appointed to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Officer to hold until successor is elected and qualified.

SEC. 20. No person shall be eligible to any city office unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Officers must be electors and residents of city or ward.

Defaulter can not hold office.

SEC. 21. If any officer shall cease to be a resident of the city, or

Change of residence or becoming a defaulter vacates office. if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Resignations, to whom made.

SEC. 22. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance: *Provided*, The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Expense of election.

SEC. 23. The expenses of any election held as provided by this act or by the laws of the State, shall be a city charge, and paid from the city fund, except as in this act otherwise provided.

Officers enter upon duties of office when.

SEC. 24. All officers except justices of the peace, elected as hereinbefore provided, shall enter upon the duties of their respective offices as soon as elected and qualified.

TITLE IV.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Common council.

SECTION 1. The mayor and aldermen of said city shall constitute the common council.

Mayor, president, vote in case of tie.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.

President pro tempore.

SEC. 3. At the first regular meeting of the common council in May in each year, the council shall appoint one of their number president *pro tempore* of the council, who in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

Duties of recorder.

SEC. 4. The recorder shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the recorder the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Council, qualifications of members, meetings of.

SEC. 6. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular, stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor, or any three members of the council, may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Special meetings.

SEC. 7. All meetings and sessions of the common council shall be in public. A majority of all the aldermen elect of the common council shall make a quorum for the transaction of business; a less number may adjourn from day to day or from time to time and compel the attendance of absent members in such manner as they shall direct. But no office shall be created or abolished, nor any street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken; no money shall be appropriated except by ordinance or resolution or vote of the council; nor shall any such resolution appropriating money be passed or adopted except by a majority of all the aldermen elect.

Meetings,
public.
Quorum.

Two-thirds vote.

Money, how ap-
propriated.

Majority neces-
sary.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes on the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public moneys, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; any one member of the council shall have the right to demand the yeas and nays on any question; and all votes so taken shall be entered at large on the minutes, as herein provided.

Rules and
record.

Yeas and nays.

Demand for.

SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Compelling at-
tendance.

SEC. 10. The city attorney, city marshal, street commissioner, and chief engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Attorney, mar-
shal, and engin-
eer.

SEC. 11. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary.

Common coun-
cil, additional
powers and
duties.

SEC. 12. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the recorder, and to be so arranged, filed, and kept as to be convenient of access and

Records, books,
etc., to be kept
in the office of
the recorder.

Subject to inspection.

Penalty for injuring or destroying books or records.

Members of common council can not hold other city offices.

Cannot be interested in contract, or be bondsmen.

Penalty.

Removal from office.

Council may issue subpoenas, etc.

May administer oaths, etc.

inspection; and all such records, books, and papers shall be subject to inspection by any inhabitant of the city, or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 13. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council, nor be bondsman or surety on any contract or bond given to said city; but this section shall not be construed to prevent the mayor or recorder from receiving any salary which may be fixed by this act, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office. Any member of the council or officer of the city herein specified offending against the provisions of this section shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 14. Any person appointed to office by the council, by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman or remove from office any person elected thereto except the mayor and justices of the peace, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers provision shall be made by ordinance for preferring charges and trying the same, and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 15. To enable the council to investigate charges against any officer or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city is empowered at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

SEC. 16. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths,

and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

SEC. 17. The council shall audit and allow all accounts chargeable against the city, but no account, or claim, or contract shall be received for audit or allowance unless it shall be accompanied with an affidavit of the person rendering it, which affidavit may be taken and certified by any member of the common council, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered, for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the said council for allowance, or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Claims to be audited by council.

To be accompanied by affidavit.

Defense to claim.

SEC. 18. The common council shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable, within said city, for the following purposes:

Ordinances, by-laws, etc., power of common council to make.

First, To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate, license, or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Ordinances, by laws, etc., powers of common council to make.

Seventh, To regulate ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving away of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

Ninth, To regulate, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, moral, or scientific subjects excepted.

Tenth, To prevent and punish violations of the Sabbath day, commonly known as Sunday, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on Sunday;

Eleventh, To license auctioneers, auctions, and sales at auction, to regulate or prohibit the ringing of bells, or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sales of goods, wares, property or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers after the manner of auction sales or Dutch auctions, and to license the same; and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Twelfth, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in the streets or highways, or in or upon the wharves, docks, open places or spaces, public grounds or buildings in the city;

Thirteenth, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding and to punish for forcibly taking the same from the possession of said city or its officers, until all costs and penalties are fully paid;

Fourteenth, To regulate and prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights within the limits of said city;

Fifteenth, To prohibit any person from bringing within the limits

of said city any dead carcass or other unwholesome or offensive *Idem.* substances, and to require the removal or destruction thereof, if any person shall have on his premises such substances or any putrid meats, fish, hides or skins of any kind, and on his failure to remove the same to authorize the removal or destruction thereof by some officer of the city;

Sixteenth, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants, and eating houses;

Seventeenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city;

Eighteenth, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, and other provisions; to regulate the fees to be paid by butchers for license: *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Nineteenth, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;

Twentieth, To provide for the inspection and sealing of weights and measures;

Twenty-first, To enforce the keeping and use of proper weights and measures by venders;

Twenty-second, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;

Twenty-third, To prohibit and prevent in the streets or elsewhere in said city indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Twenty-fourth, To regulate and prohibit bathing in the Saginaw river, and ponds, streams, and waters of the city;

Twenty-fifth, To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of the said river and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels, and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary, and to prescribe their powers, duties, and compensation;

Twenty-sixth, To license, continue, and regulate so many ferries and bridges from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good;

Ordinances, by-law, etc., powers of common council to make.

Twenty-seventh, To regulate the erection and repair of private wharves and docks so that they shall not extend into the Saginaw river beyond a certain line to be established by the common council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicle, dray or thing whatsoever;

Twenty-eighth, To compel the owner or occupant of any grocery, tallow-chandler's shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city;

Twenty-ninth, To regulate the buying, selling, and using of gunpowder, fire-crackers, and fireworks, and other combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in said city;

Thirtieth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon;

Thirty-first, To prohibit, prevent, and suppress mock auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Thirty-second, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Thirty-third, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Thirty-fourth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

Thirty-fifth, To provide for taking a census of the inhabitants of the city whenever the council shall see fit; and to direct and regulate the same;

Thirty-sixth, To sell or otherwise provide for disposing of all dirt, filth, manure, and cleanings lying in or gathered from highways; streets, avenues, lanes, alleys, and public spaces, and all earth

to be removed therefrom, or from the public squares and grounds *Idem.* of said city, in grading, paving, or otherwise improving the same;

Thirty-seventh, To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp-posts and suitable hitching-posts; to prohibit all practices, amusements, and doings in said streets, having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed therefrom all wells and structures that may be liable to fall therein, so as to endanger life or property;

Thirty-eighth, And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever;

Thirty-ninth, The common council shall have power by resolution or ordinance to grade, plank, and construct sidewalks within said city, and to cause the expenses thereof to be assessed against the lots, tracts, and premises in front of or adjoining which such sidewalk shall be so built, graded, planked, or constructed: *Provided,* That the expenses of constructing cross-walks across streets and alleys, and sidewalks in front of the public property of said city shall be paid out of the highway fund of the ward in which said cross-walks or sidewalks are situated.

SEC. 19. The council may prescribe the terms and conditions *Licenses.* upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation, and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at *Revocation.* pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 20. No license shall be granted for any term beyond the first *Term.* Monday in May next thereafter, nor shall any license be transfer-
*Not transfer-
able.*
*Penalty for
doing business
without.*
able. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required, by any ordinance or regulation of the council. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund on or before the last day of the month on which they were received.

Tavern-keeper,
saloonist, etc.,
required to take
out license.

SEC. 21. No person shall engage in or exercise the business or occupation of tavern-keeper, inn-holder, common victualer, or saloon-keeper, within the limits of said city, until he is first licensed as such by the common council; all hotel or tavern-keepers, inn-holders, or common victualers, who shall keep a bar in connection with their hotel, tavern, inn, or common victualing establishment, and all grocers, druggists, and all other persons who shall sell beverages by the glass or cup in their respective establishments, which are usually sold in a saloon, shall be deemed saloon-keepers within the meaning of this act, and shall be required to take a license as such: *Provided*, That nothing in this act shall be construed as licensing the sale of intoxicating liquors as a beverage.

Proviso.

Common coun-
cil, same powers
as township
boards to regu-
late taverns,
etc.

SEC. 22. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon-keepers, and others as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages in relation to tavern-keepers and common victualers, and subject to the same conditions and limitations; and the general laws of this State now in force, or which may hereafter be enacted in relation to the regulation of taverns, groceries, and common victualers, shall be deemed applicable to this city unless otherwise limited.

Penalty.

SEC. 23. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, unless the imposition of a greater penalty be herein otherwise provided, for a violation thereof, and may provide that the offender on failing to pay the penalty imposed shall be imprisoned in the city penitentiary or county jail for a term not to exceed ninety days; and during the term of such imprisonment male persons so imprisoned may be kept at hard labor on the public grounds, streets, roads, sewers, drains, bridges, or other property of the city, under such regulations as the common council may by ordinance prescribe; or such penalties may be sued for and recovered with costs in the name of the city of West Bay City.

Kept at hard
labor on streets,
etc.

Ordinance im-
posing penalty
to take effect
when.

SEC. 24. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the last publication thereof in a newspaper in said city if any be published there, and if not, then in some newspaper published in Bay county.

Prima facie
evidence.

SEC. 25. A record of entry made by the recorder of the said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such last publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board, in which it shall be necessary to refer thereto either,

May be read in
evidence.

Certified copy.

First, From a copy certified by the recorder of the city, with the seal of the city of West Bay City affixed; or,

Volume of ordi-
nances.

Second, From the volume of ordinances printed by authority of the common council.

SEC. 26. Whenever the common council or the board of education of said city is required by any of the provisions of this act, to publish any notices, ordinances, resolutions, proceedings, or other matter in a newspaper published in said city, it shall be lawful to have the same published in a newspaper published in Bay county in lieu of the publication in a paper published in said city, should the common council or board of education of said city be unable to secure the publication of the same in a newspaper published in said city upon reasonable terms.

SEC. 27. On the last Tuesday in the month of March, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessment for opening, paving, planking, repairing, and altering streets, and building and repairing bridges in each ward in the city; the amount borrowed on the credit of the city, and the terms upon which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

SEC. 28. The said statement shall be signed by the mayor and recorder, and filed with the papers of the city, and within ten days after the receipt of said statement the same shall be published in some newspaper published in said city or in Bay county.

SEC. 29. No ordinance or resolution passed by the common council shall have any force or effect, if on the day of its passage or on the next day thereafter, the mayor or other officer legally discharging the duties of mayor, shall file in the office of the city recorder a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer legally exercising the duties of mayor, shall, within three days after the passage of such ordinance or resolution, file in the office of the city recorder his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation unless it shall, at a subsequent meeting of the common council, be passed by a two-thirds vote of all the members of the common council then in office, exclusive of the mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons in writing shall not be filed with the recorder, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been filed with the recorder; and no ordinance of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of ten days after its passage.

SEC. 30. It shall be the duty of the recorder to communicate to

Publication of notice in newspaper.

Council to settle with treasurer and audit claims.

Detailed statement of receipts and expenditures.

To be signed by mayor and recorder.

Mayor may suspend ordinance, etc.

Two-thirds vote.

Ten days.

Recorder, duty of.

the common council, at its next meeting, any paper that may be filed with him pursuant to the last preceding section.

Contracts for work made by council.

SEC. 31. The common council shall have power to make contracts for the performance of any work to be done, or any public improvement to be made in and for said city, except those expressly reserved to the wards.

Wards excepted.

Railroads under the control of the council.

SEC. 32. The council of the city shall have authority to permit any railroad company or street railway company, to lay its track, and operate its road with steam locomotives, or other power, in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions, provided such permission shall not affect the right or claim of any person for damages sustained in construction or the building of such railroad or street railway.

Grade of street crossings.

SEC. 33. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad tracks, to conform to street grades which may be established by the city from time to time; and to construct crossings, in such a manner, and with such protection to persons crossing thereat as the council may require, and to keep them in repair; also to require and compel railroad companies using steam locomotives to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat; to compel railroad companies to put up suitable gates at street crossings; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon the company, or upon any engineer or conductor violating any ordinance regulating the speed of trains.

Flagmen.

Gates.

Speed of trains.

Ditches, drains, sewers, etc.

SEC. 34. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded; also to fence the side of any street to which said railroad may run parallel, and to repair any damage or injury which may have been done to such street by any such railroad company. If any such railroad company shall refuse or neglect to perform any such requirement, as provided in this or the preceding section, according to and in the manner directed by the common council of said city, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against such railroad company, in a civil action before any court having jurisdiction, or in case of any such refusal or neglect on the part of such

Fence.

company the city may take proceedings in a court of competent jurisdiction by mandamus to compel the performance thereof by such company.

SEC. 35. The council may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties. Relief of poor persons.

SEC. 36. The council may at any time require any officer, whether elected or appointed, to execute and file with the recorder of the city new official bonds, in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the city. Any failure to comply with such requirement shall subject the officer to immediate removal by the council. New bonds.

SEC. 37. The common council shall have power to erect lamp posts, and assess the expense thereof on the particular property deemed by the common council to be benefited thereby, in the manner provided in this act. Lamp-posts.

SEC. 38. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, where all persons charged with, or convicted of offenses or misdemeanors against the charter, by-laws, or ordinances of said city, may be confined or imprisoned until discharged by authority of law; and the said common council shall appoint all officers necessary for said penitentiary, prescribe their powers and duties, regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances, or orders concerning the good government and regulation of said penitentiary, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper. City penitentiary.

SEC. 39. The common council may establish and provide water-works for said city in the manner provided by "An act to authorize the introduction of water into and the construction or purchase of hydraulic works in the cities and villages of the State of Michigan," approved August fourth, eighteen hundred and seventy, and the acts amendatory thereof, or may authorize the formation of a company or companies for such purpose, as provided in chapter one hundred and twenty-eight of the compiled laws. Water-works.

SEC. 40. The common council may erect and maintain a system of electric lighting for the streets and public places in said city, and for that purpose may purchase or lease machinery, power, and all necessary attachments and appurtenances to enable them to put and maintain the same in successful operation. Electric lighting.

TITLE V.

DUTIES AND COMPENSATION OF OFFICERS—THE MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meeting of the council, and shall Duties of mayor.

from time to time give the council information concerning the affairs of the city, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced.

Idem.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorders; and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Idem.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

President pro tem.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

Mayor, duties of.

SEC. 5. The mayor shall countersign all orders for the payment of money (except school moneys) out of the city treasury, after having ascertained from the minutes that it has been appropriated by the common council, and he shall make a record of all orders countersigned, and shall perform such other duties as the common council shall by ordinance prescribe, and such other duties as are prescribed by this act.

ALDERMEN.

Aldermen, duties of.

SEC. 6. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

Cannot hold any other office.

RECORDER.

Recorder, duties of.

SEC. 7. The recorder shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city not by this act or ordinance of the city entrusted to some other officer, and give bonds for the faithful performance of his duties in such sums as the common council shall by ordinance direct to be deposited with the treasurer; he shall be clerk of the council, shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein

Certified copies.

contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. The recorder shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same. Has the powers of township clerks. Fees.

SEC. 8. The recorder shall be the general accountant of the city, and all claims against the city shall be filed with him for adjustment; after examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council for allowance, and, when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made. When any tax or money is to be levied, raised, or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund. Recorder, duties of.

SEC. 9. The mayor and recorder shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; the recorder shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the city; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the city in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted the recorder shall immediately advise the council thereof. Mayor and recorder, duties of.

SEC. 10. The recorder shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties, pertaining to his office, as the council may require, by resolution, or otherwise. Recorder, duties of.

SEC. 11. The recorder shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights. Idem.

SEC. 12. The recorder shall publish at least once a week for two consecutive weeks, in a newspaper published in said city, if one be published there (if not, then in some newspaper published in Bay county), all the ordinances of the common council, for the violation of which a penalty may be imposed. The recorder may appoint a deputy, for whose acts he shall be responsible, but without cost to the city for the services of such deputy. Idem. Deputy recorder.

TREASURER.

Treasurer, custodian of all moneys, etc.

Bond of.

Money only to be paid on warrant of recorder, etc.

Proviso.

Treasurer, duties of.

Idem.

SEC. 13. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city, and shall collect all taxes levied or assessed in the city, and for that purpose he shall give a bond to the city in such sum, and with such surety, or sureties, as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Bay such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State. The said treasurer shall pay no money out of the treasury, except in pursuance and by authority of law, and on a warrant signed by the recorder, and countersigned by the mayor, which shall specify the purpose for which the amount thereof is to be paid, and the fund from which it is to be paid, and he shall keep an accurate account of and be charged with, all taxes and moneys appropriated, raised, or received for each fund of the city; and shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of each fund endorsed thereon by the mayor: *Provided, however,* That nothing in this section contained shall prevent the school moneys being drawn from the treasury, as in this act otherwise provided. For the purposes of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, and for the purpose of suits for the collection of taxes, the said treasurer, on giving the bonds, or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

SEC. 14. The treasurer shall render to the common council on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. The books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any taxpayer of said city; the treasurer shall exhibit to the common council at the last regular meeting in the month of March a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed and published.

SEC. 15. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the city moneys, warrants, or evidences of debt, or any of the school library funds in his custody or keeping, for his own use or benefit, or that of any other person; any violation of this section shall subject him to immediate removal from office by the common

council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

SUPERVISORS.

SEC. 16. The several supervisors of said city shall be members of the board of supervisors of Bay county, and they shall select and return lists of jurors to the clerk of Bay county in the same time and manner as the like duty is required of supervisors of townships, and they shall perform as supervisors such other duties as by this act shall be required of them. ^{Supervisors, duties of.}

COMPTROLLER.

SEC. 17. The comptroller of said city shall have the same power and authority and shall perform the same duties as supervisors of townships as far as the assessment of taxes, making, completing, and certifying to rolls, and attaching warrants, for collection of taxes thereto are concerned. He shall be a member of the board of supervisors of Bay county, and shall perform such other duties as by this act shall be required of him. ^{Comptroller, duties of.}

MARSHAL.

SEC. 18. The marshal of the city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require; and he shall be the chief of the police of the city. As police officer he shall be subject to the direction of the mayor and common council. It shall be his duty to see that all the ordinances and regulations of the council made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him in all proceedings for violation of ordinances of the city; such process may be served anywhere within the State. ^{Marshal, duties of.}

SEC. 19. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the city, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets until they shall become sober. ^{Idem.}

SEC. 20. The marshal shall report in writing and on oath, to the council, at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the ^{Idem.}

marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the recorder.

His fees.

SEC. 21. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or paid by the city.

CITY ATTORNEY.

City attorney,
duties of.

SEC. 22. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the city in all legal proceedings in which the city is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY SURVEYOR.

City surveyor,
powers and
duties of.

SEC. 23. The city surveyor shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams, and estimates, plans, and specifications required by the council or officers of the city, relating to the public improvements, buildings, grounds, and streets of the city, and he shall be authorized and required to superintend the public works.

STREET COMMISSIONER.

Street commis-
sioner, duties
of.

SEC. 24. It shall be the duty of the street commissioner to perform or cause to be performed all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the respective wards, as the council shall direct to be done.

His report.

SEC. 25. He shall make a report to the council in writing, and on oath, once in each month, or oftener, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expenses thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding reports, and no payment for labor or services performed or for expenses incurred by him shall be made until reported on oath as aforesaid.

Common coun-
cil to examine.

SEC. 26. The common council shall examine such report, and if satisfied of its correctness and that the charges therein made are just and reasonable, they shall accept it and order it filed by the recorder; but if they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and they shall allow such charges as they shall deem just and equitable; they shall then let such report lie upon the table one week, and if not withdrawn by the commissioner, by filing a notice in writing to that effect with the recorder in that

time, they shall accept it and order it filed as corrected by them; when so filed, the recorder shall draw an order upon the highway fund of the ward or district for the amount.

CONSTABLES.

SEC. 27. The constables of the city shall have the like powers and authority in matters of civil and criminal nature and in relation to the service of all manner of criminal process as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city. They shall obey all lawful orders of the mayor, aldermen, and marshal, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the recorder.

Constable, powers and duties of.

JUSTICES OF THE PEACE.

SEC. 28. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Bay, and shall have in addition to the jurisdiction conferred by this act on them the same jurisdiction, powers, and duties conferred on justices of the peace in townships, and shall have such jurisdiction to hear, try, and determine all actions arising within said city for the recovery of the possession of lands under the provisions of chapter two hundred and eleven of the compiled laws and the acts amendatory thereto as is conferred upon justices of the peace of townships to hear, try, and determine cases arising within townships under said chapter of the compiled laws and the said amendatory acts.

Justices, oath of office, jurisdiction.

SEC. 29. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of West Bay City, with one or more sufficient sureties, to be approved by the common council of said city, which approval shall be endorsed on said bond, in the penalty of five hundred dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act required.

Bond.

SEC. 30. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe: *Provided*, They shall not exceed in amounts justices' fees in townships for similar services.

Where to keep his office.

His fees.

Proviso.

Fines, penalties,
etc.

SEC. 31. All fines, penalties, or forfeitures recovered before any of said justices for violation of any city ordinances, shall, when collected, be paid into the city treasury; and each of said justices shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and all moneys by him received for and on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty, or forfeiture, shall be paid into said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office; and for any neglect in this particular he may be suspended or removed, as hereinafter provided.

To be paid into
the city treas-
ury.

Justice to re-
port stolen
property.

SEC. 32. It shall be the duty of each justice of the peace, at the first regular meeting of the common council, in each of the months of August, November, February, and May, in every year, to account on oath, before the common council, for all such moneys, goods, wares, and merchandise, seized as stolen property, as shall then remain unclaimed in the office of either of said justices of the peace, and immediately thereafter to give notice for four weeks, in one of the public newspapers printed in said city, or in Bay county, to all persons interested in claiming such property: *Provided, always,* That if any goods, wares, merchandise, or chattels, of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time and after such notice as to him and the said common council shall seem proper.

To sell perish-
able property.

To deliver prop-
erty on proof of
ownership and
payment of ex-
penses.

SEC. 33. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses, which may have been incurred in the recovering, preservation, or sustenance of such property, and the expenses of advertising the same, unless the attorney of the city, or the prosecuting attorney of the county of Bay, shall otherwise direct.

To sell at public
auction.

Prosecuting
attorney, power
of.

Money to be
paid into city
treasury.

Justice to hear
and try, etc., all
offenses.

SEC. 34. It shall be the duty of each of the justices of the peace aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Bay shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

SEC. 35. The justices of the peace of said city shall have full power and authority, and it is hereby made the duty of any such justice, upon complaint to him in writing, on oath, to inquire into,

and hear, try, and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed; to award all process, take recognizances for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion may require: *Provided*, That any person making said complaint, except city officers, shall give security for costs in the same manner as is required in criminal cases under the general laws of this State, which security shall have the same force and effect, and judgment shall be rendered against said complainant and surety, and execution issued thereon, when the justice shall be satisfied that there was not reasonable cause for making said complaint.

Security for costs required in what cases.

SEC. 36. Whenever any person shall be charged with having violated any ordinance of the common council by which the offender is liable to imprisonment, any of the justices of the peace of said city to whom complaint shall be made in writing and on oath, shall issue a warrant directed to the marshal of the city of West Bay City, or to the sheriff or any constable of the county of Bay, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Warrant to be issued in what cases and to whom directed.

SEC. 37. The justices of the peace in the said city exercising civil jurisdiction shall be deemed justices of the peace of the county of Bay, and shall be subject to the general laws of the State in relation to civil cases before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Bay, in the same manner as appeals from justices' judgments in towns are made, except as herein otherwise provided.

Justices of city deemed to be justices of county.

SEC. 38. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority and perform all the duties hereinbefore provided and required of them, and shall hold a court daily if necessary.

Authority of justices.

SEC. 39. The justices of the peace of said city shall enter upon the duties of their offices at the same time and shall qualify in like manner, except as herein otherwise provided, as justices of the peace of townships.

To enter on duties of office, etc., when.

SCHOOL INSPECTORS.

SEC. 40. The school inspectors of the city shall perform such duties in and for the city and for the public schools as are required of school inspectors elected in townships so far as such duties are applicable or shall be required under this act.

School inspectors, their duties.

MISCELLANEOUS OFFICERS.

Sexton, fire warden, pound-master, inspectors of firewood, weigh-master.

SEC. 41. The sexton, fire wardens, pound-masters, inspectors of firewood, and weigh-masters shall perform such duties, and if required, shall file such securities as the common council shall by ordinance direct.

COMPENSATION OF OFFICERS.

City officers, salary to be fixed annually.

SEC. 42. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, subject to the limitations prescribed in this act. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office.

Certain officers, salary not exceed.

SEC. 43. Compensation for the services of officers may be paid out of the city treasury in such sums as the common council shall allow: *Provided*, That the recorder shall not receive to exceed seven hundred dollars annually, besides his pay as member of the board of supervisors; the city attorney not to exceed four hundred dollars per annum; the comptroller not to exceed six hundred dollars per annum, besides his pay as a member of the board of supervisors; the street commissioner not to exceed two dollars per day for each day actually employed under the direction of the street committee. That the harbor-master shall not be allowed a compensation to exceed one hundred dollars per year. The marshal shall be entitled to receive the same fees for serving process in behalf of the city as constables are allowed by law for similar services, and he shall receive such further compensation as the common council shall allow, not exceeding six hundred dollars per year. The mayor and aldermen not to exceed fifty cents each, for each meeting of the common council which they may attend, and that they shall receive no pay for committee work or other compensation or allowance whatever. The treasurer, justices of the peace, and constables shall be allowed the same fees as are allowed by law to corresponding township officers, unless in this act otherwise provided. The other officers appointed by the common council may receive such compensation as the common council shall direct.

Compensation of mayor and aldermen.

Treasurer, justice, and constables.

Other officers.

POLICE.

Police force.

SEC. 44. The council may provide by ordinance or otherwise for a police force and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants, and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and night watchmen.

Rules and regulations governing.

SEC. 45. The council may make and establish rules for the regulation and government of the police, prescribing and defining the duties of policemen and night watchmen, and shall prescribe and

enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredations. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

Temporary
policemen.

SEC. 46. The city marshal, subject to the direction of the mayor and common council, shall, as chief of police, have the superintendency and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council.

City marshal
chief of police.

SEC. 47. It shall be the duty of the police and night watchmen, and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates, of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all processes directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night watchman shall have all the powers of constables, and may arrest upon view without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city: *Provided*, That nothing herein contained shall be construed to authorize the city marshal to serve any papers except those issued for violation of city ordinances.

Duty of police
and night watch-
men.

May arrest with-
out process in
certain cases.

Provided.

SEC. 48. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

Removals from
office.

TITLE VI.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. The common council of the city of West Bay City shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in, or grade, vacate, or abolish any highways, streets, avenues, lanes, and alleys, public grounds or spaces in

Highways,
streets, alleys,
etc.

Taking public property for public use.

Expenses, how paid.

Taking private property for public use.

The necessity and compensation to be determined by jury.

May acquire by purchase.

Taking private property for public use, duty of common council.

Certified copy of the resolution of the common council.

Notice to be published.

Copy of resolution and notice to be served on owner of land.

said city, and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expenses caused by the exercise of the powers of the council in this section conferred, or a portion thereof, may be paid by special assessments upon the property adjacent to, or benefited by, the improvement, in the manner in this act provided for levying and collecting special assessments, or, in the discretion of the council, a portion of all such costs and expenses may be paid from the contingent fund.

SEC. 2. Private property may be appropriated for public uses in said city, for the purposes of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department, and for market places; for sewers, drains, and ditches; for water-works, and for the necessary public buildings, hospitals, pest-houses, and public cemeteries; but such property shall not be taken therefor unless the necessity for using such property and the just compensation thereof shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property. The common council may, however, acquire such property by negotiation and purchase, and may take such property in the manner prescribed by the general law of the State, or according to the provisions of this act.

SEC. 3. When the common council shall seek to take or use private property, according to the provisions of this act, not acquired by purchase, they shall so declare by resolution, specifying the purpose for which it is to be taken, and that it is necessary to take such property for public use and benefit, and describing each parcel of land designated to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known, and shall in the same resolution designate when application will be made to a justice of the peace of said city for impaneling a jury to ascertain the necessity of taking said land for the public purpose therein stated, and the just compensation to be made therefor, and to assess and apportion the whole amount of the compensation upon such portion of the taxable real estate, or any interest therein within the assessment district as may be benefited by such improvement.

SEC. 4. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with the justice of the peace designated in said resolution, before the time named in said resolution for the impaneling of said jury, and the city clerk shall give notice of the time and place of making said application, by publishing a copy of the said resolution for two weeks in one of the newspapers of the city, if any be published there, and if not, then in some newspaper published in Bay county, the first publication of which shall be at least twenty days before the time fixed for impaneling said jury, with a notice signed by the city clerk published therewith, that the said resolution was on a certain day passed by the common council. A printed copy of said resolution and notice shall be served personally by the city marshal or any constable of said city, at least one week before the time for

said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within said city or elsewhere in the county, and if any such guardian, owner, or persons interested in the premises shall not be found within the city or county, a copy of said resolution and notice shall be posted upon the premises to be taken, at least one week before making such application. A return by the marshal or constable of the service or posting of copies of said resolution and notice, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said resolution and notice shall be filed with said justice before or at the time of making said application, and after the publication and service or posting of said resolution and notice as aforesaid, the owner and all persons interested in any of the lands sought to be taken for the purpose specified in said resolution shall take notice of and be bound by all subsequent proceedings without further notice except as herein otherwise provided.

To be posted up
on premises.

Officers' return
and affidavit of
publication.

SEC. 5. At the time of making the application to the justice of the peace for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his guardian appointed under the laws of the State; but if there should be no guardian, or if no guardian shall appear to represent such infant or incompetent person, the justice of the peace, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interests of the person for whom he is so appointed. Guardian.

SEC. 6. At the time appointed therefor in said resolution, or at any such other time as the proceedings shall be adjourned to, the justice of the peace shall, upon the application of the city attorney, cause the marshal or any constable of said city to make a list of the names of twenty-four disinterested freeholders residing in the vicinity of such property and competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six, or upon their failing so to do, the justice of the peace shall strike off such names for him or them; and thereupon the justice of the peace shall issue a *venire* directed to the marshal or any constable of said city, to summon the twelve persons whose names remain upon said list, to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the marshal or any constable of said city, as in other cases of *venire*; said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts. Venire.

SEC. 7. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or Idem.

Challenge for cause.

if any shall be excused or set aside, the justice of the peace shall require the marshal or any constable of said city to summon immediately a sufficient number of other competent freeholders residing in the vicinity of such property until a panel of twelve qualified jurors be obtained. Each party, and every person having any interest in any of the lands, shall have the right to challenge any juror for cause, and the justice of the peace shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of making such proposed improvement, and of taking the parcel or several parcels of lands sought to be taken, for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken, as hereinafter provided.

Notice, resolution and map to be delivered to jury.

SEC. 8. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the land sought to be taken, showing the location and boundaries of each parcel of such land, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice of the peace a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Any person interested may file claim.

Form of oath for jury.

SEC. 9. Every jury empaneled in any such cause shall be sworn as follows: You do solemnly swear (or affirm) that in the matter of ----- you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public the private property which the resolution describes and prays may be taken, and if you determine that it is necessary, then that you ascertain, determine, and award the just compensation to be made therefor, and assess upon the property in the assessment district described in the petition, all the damages so awarded, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God.

Jury may view premises.

They shall hear the proof and allegations of the parties, and the arguments of counsel, and, if so ordered by the court, shall go to the place of the intended improvement in charge of an officer, and upon or as near as practicable to any property proposed to be taken, or assessed, and examine the premises. They shall be instructed as to their duties and the law of the case, by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case: *Provided*, That the court in its discretion may permit the jury to leave the jury room a sufficient length of time to obtain their meals and sleep at their respective homes.

Jury to determine necessity of taking.

SEC. 10. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such pri-

vate property for the use or benefit of the public for the proposed improvement, and in case they find that such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem just, and shall assess and apportion the whole amount of the compensation to be paid for the private property taken, upon such portion of the taxable lots and parcels and sub-divisions of real estate within the assessment district fixed by the common council that will be benefited by the improvement, in proportion, as nearly as may be, to the benefits they will receive: *Provided*, That if any lot or parcel of land in the assessment district is not actually benefited, it shall not be assessed. If any such private property taken shall be subject to a valid mortgage, lease or agreement, and the taking thereof for such purpose will impair such security, lease, or agreement, the jury shall apportion and award to the owner of said mortgage, lessee, or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings, or other personal property situated on the land taken, the jury may, at the request of the owner, allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person, shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same. To assist the jury in arriving at a [the] verdict, the court may allow the jury, when they retire, to take with them the resolution filed in the case, and maps showing the proposed improvement, and the assessment district, and the location of each and all the parcels of property to be taken or assessed, with the names of all parties interested in such property. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice of the peace within ten days after impaneling the jury.

Compensation to be paid, and apportion the tax upon lots benefited.

Proviso.

Mortgages, interest.

Damages for removal of buildings.

Estate of deceased person.

Jury may take with them the resolution and map.

Their report.

SEC. 11. The justice of the peace shall enter said report, and all the proceedings had in the cause before him, and shall record a certified copy of the resolution of the council, and all affidavits and returns of the officers, and other papers relating to said matter, in a docket to be provided for that purpose.

Docket entry to be made by the justice.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and upon any such disagreement the justice of the peace may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice of the peace may appoint another in his place,

Disagreement of jury.

New jury.

In case of inability to perform duties.

who shall have the like qualifications and be sworn, and exercise the same duties as the other jurors of the panel.

**Report, award,
and entering
judgment.**

SEC. 13. Upon filing the report and award made by any jury with said justice of the peace, a copy thereof may be taken by the city attorney for the use of the council, and at any time thereafter, and within sixty days after the impaneling, the jury making the report, the justice of the peace, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said sixty days, all proceedings upon that report and award shall be at an end, and a new proceeding may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

**Application and
confirmation of
judgment.**

Appeal.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice of the peace a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice of the peace a bond to the city in the penal sum of not less than one hundred dollars, with sureties to be approved by said justice of the peace, conditioned that he will prosecute his appeal to effect and pay any costs that may be awarded against him in the circuit court, and paying to the justice of the peace the sum of three dollars for making his return to the appeal.

Bond.

Justice fees.

**Bill of excep-
tions.**

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented, said justice of the peace shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice of the peace shall make and certify a return to said appeal, setting forth a transcript from his docket of all [the] proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

**Justice return
to appeal.**

**Hearing on ap-
peal before the
circuit court.**

SEC. 16. Upon filing the return of the justice of the peace as mentioned in the preceding section, the circuit court shall have jurisdiction of the case, and upon the hearing thereof, shall first consider the errors alleged in said claim of appeal, and if the pro-

ceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called, and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages awarded; but the finding of the jury before the justice as to the necessity of making the improvement and of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation, shall not in any way affect said judgment as to the other persons interested therein who do not appeal.

Trial by jury.

Appeal of one or more not to affect others.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after the trial in the circuit court, said court shall confirm the proceedings, and the right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council, and a certified copy of the proceedings of the circuit court shall be filed in the office of the justice and recorded in his docket. And unless the appellant shall recover judgment for at least thirty dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court may award such costs to him as shall be just.

Confirmation of proceedings after hearing in circuit court.

Certified copy of proceedings.

Costs.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court or of the justice after the same has become final, and of the report of the jury thereby confirmed, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Certified copies.

SEC. 19. Within three months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice of the peace shall become final, the council shall pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

Damages to be paid within three months.

May in certain cases be deposited.

SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer, of such payment, tender, or deposit, or a record of such certificate in the docket of the justice, or a certified copy thereof, shall be presumptive evidence of

Fee of the land to vest in the city when.

Evidence of ownership in the city.

the matters therein stated, and of the ownership of the city in the lands and property taken.

Termination of
lease, etc.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment or confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

TITLE VII.

PUBLIC HEALTH.

Authority of a
board of health.

SECTION 1. The council of the city of West Bay City shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by chapter forty-six of compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act, and may appoint a physician to be known as the city physician, and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

City physician.

Board of health.

SEC. 2. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto, the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officer thereof.

Powers and
duties of.

SEC. 3. The said board of health shall have power, and it shall be their duty, to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine, for that purpose, every person coming from any place infected, or believed to be infected, with such a disease; to establish, maintain, and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city who shall be infected with any such disease to be sent to such pest-house or hospital; to remove from the city or destroy any furniture, wearing apparel, goods, wares, or merchandise, or other articles, or property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be or likely to pass into such a state as to generate and propagate disease, after paying to the owner or owners thereof the full value in cash; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or

expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

SEC. 4. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other public conveyance which shall enter into the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall within two hours after the arrival of such person report in writing the fact with the name of such person and the house or place where he was put down in the city, to the mayor or some member of the board of health, and any and every neglect to comply with these provisions or any of them shall be a misdemeanor punishable with fine and imprisonment. To report sick to mayor or board of health.

SEC. 5. Any person who shall knowingly bring or procure or cause to be brought into the city any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease shall be guilty of misdemeanor punishable by fine and imprisonment. Penalty for bringing disease into the city.

SEC. 6. Every keeper of an inn, or boarding house, or lodging house in the city, who shall knowingly have in his house at any time any traveler, boatman, or sailor sick with any infectious or pestilential disease, shall report the fact and the name of the person in writing within six hours after he came to the house or was taken sick therein to the mayor or some officer or member of the board of health. Every physician in the city shall report under his hand to one of the officers above named the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section or of any part of either of them shall be a misdemeanor punishable by fine and imprisonment, the fine not to exceed one hundred dollars nor the imprisonment six months. Inn keeper, etc., to report sick.

SEC. 7. Whenever in the opinion of the common council any building, fence, or other erection of any kind or any part thereof is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands to take down the same or any part thereof within a reasonable time, to be fixed by the order, or immediately, as the case may require, and in case the order is not complied with, cause the same to be taken down at the expense of the city on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises or be published in a paper published in Bay county, as the common council shall direct. Physician to report sick.

SEC. 8. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof and keep a record of its proceedings, and such record or a duly certified copy of the same or any part thereof shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board of health shall be fixed Common council may order building torn down.

Order may be served on occupant, or published.

Clerk of board of health.

Compensation.

by said board of health by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Compensation of members of board of health and physician.

SEC. 9. The members of such board of health and physicians reporting diseases dangerous to public health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Fines to be paid into city treasury.

SEC. 10. All fines imposed under this title shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

TITLE VIII.

CEMETERIES.

Cemetery, city may acquire.

SECTION 1. The city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants.

Burial within city may be prohibited.

The common council may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as they may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect of such burials, to be taken and buried elsewhere.

Removal of the dead, time and manner prescribed.

The council may also prescribe the time and manner of removing any bodies from any cemetery within the city, or from any cemetery grounds owned by the city without the city limits.

Resolution to vacate cemetery.

In case the council desire to vacate any cemetery grounds belonging to the city within the city limits, they shall so declare by resolution, which resolution shall state the time limited for the removal of all bodies from said cemetery grounds, which shall not be less than two years nor more than five years from the passage of such resolution.

Authorized to remove bodies, etc.

In case of the neglect or refusal of any person or persons owning or occupying grounds in any such cemetery to remove the bodies interred on any such grounds, with the tombstones or other fixtures thereon, within the time limited by the resolution of the council herein specified, it shall be lawful for the common council to cause any and all such bodies, with the tombstones or other fixtures on or around any lot or lots from which the same is taken, to be removed to the cemetery grounds in use by the city within a reasonable time thereafter, at the expense of the city. The city shall become

Vacated cemetery lots may be possessed by city.

possessed of any and all lots or grounds in any cemetery vacated as herein prescribed, by paying a reasonable sum to the owner or owners for the property so taken, which sum shall be determined, and the amount paid, in the manner prescribed in this act for taking private property for public use.

Lot in new cemetery may be offset against old.

As an offset to any such sum so allowed, in cases where bodies have been removed by the city, the council may charge the price of the lot in the new cemetery to which any such bodies shall be removed, and pay the balance in money: *Provided*, The price charged for any such lot shall be the regular schedule price thereof, as fixed by the cemetery trustees or common

Proviso.

council: *And provided further*, That the lots in the new cemetery to which any such bodies shall be removed shall be covered by quit-claim deed to the persons legally entitled to demand or claim the same, whenever applied for, and the officers of the city whose duty it is to execute such deeds shall be satisfied that they are making conveyances to those legally entitled to claim title to such lands. Quit-claim deed.

SEC. 2. When the dead shall be fully removed from any cemetery grounds owned by said city, it shall be lawful for the common council to sell and convey said grounds, and the money received from the sale thereof shall be set aside by said common council as a sinking fund, to be applied in the payment of the debt created against said city in the purchase and adornment of any new cemetery grounds, and in the event of the payment of said bonds by said city before the sale of any such cemetery grounds, the common council shall determine how such moneys shall be disposed of. Old cemetery may be sold, money applied to new.

SEC. 3. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care of any cemetery owned by the city. Council may appropriate money for cemetery.

SEC. 4. The common council may appoint three trustees on the third Monday in April, in each year, or as soon thereafter as may be, who shall be electors in the city, and who, with the recorder, shall constitute a "board of cemetery trustees." Said trustees so appointed shall hold their office for the term of one year, and until their successors shall be appointed and qualified. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. The three trustees shall receive as full compensation the sum of not exceeding fifteen dollars each, in the discretion of the common council, per annum. The recorder shall receive no additional salary as clerk of this board. Board of cemetery trustees.
Term of office.
May be removed.
Compensation.

SEC. 5. The board of cemetery trustees shall appoint one of their number chairman, and the recorder shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe. Board of cemetery trustees, powers, etc.

SEC. 6. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered, and the avenues and walks to be named; and plats thereof to be made and recorded in the office of the recorder. The board shall fix the price of lots and make the sales thereof. The conveyance of such lots shall be executed on behalf of the city by the recorder, and be recorded in his office at the expense of the purchasers. Idem.

SEC. 7. Said board shall direct and control all labor performed Idem.

in said cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such rules and regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund. SEC. 8. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of trustees shall report to the council annually on the second Monday in April, and oftener when the council shall so require; the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Report of board of trustees. SEC. 9. The common council may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate any cemetery or burial place owned by the city, whether within or without the city limits, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

To be verified by oath of clerk. SEC. 10. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place, within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

Ordinances pertaining to cemeteries.

Idem.

TITLE IX.

MARKETS.

Markets. SECTION 1. The common council shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, fruits, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to describe the time for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors.

Rules and regulations. SEC. 2. The common council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating

its regulations, together with any articles in his or their possession; and may authorize the seizure and the destruction of tainted or unsound meats or other provisions exposed for sale therein.

TITLE X.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

SECTION 1. The city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes, necessary or convenient for the public good and the execution of the powers conferred in this act, and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

Public buildings and real estate, city may acquire.

May sell, lease, mortgage, etc.

SEC. 2. When the common council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city, and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

City may purchase and control property beyond city limits.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachments, and injury, and from all nuisances.

Public grounds, etc., council may lay out, etc.

TITLE XI.

SEWERS, DRAINS, AND WATER COURSES.

SECTION 1. The common council may establish, construct, maintain, enlarge, rebuild, and repair sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they deem proper for the drainage of the city, and private property or the use thereof may be taken therefor in the manner prescribed by this act or in the manner prescribed by the general laws of the State for taking such property for public use.

Sewers and drains.

SEC. 2. The cost and expenses of making, constructing, and establishing any main or trunk sewer, shall be paid and defrayed in such part as the common council shall determine, but not more than twenty-five per cent of the total cost and expenses of such sewer, by general assessment on all the taxable lands and premises of the city; raising such tax on the general tax-roll of the city. And the remainder of the cost and expenses of making and construct-

Cost of trunk sewer, how paid.

ing any such sewer shall be paid and defrayed by special assessment upon all the taxable lands and premises benefited by the construction of such sewer, in proportion to the estimated benefits accruing to each parcel of land respectively, from the construction of such sewer. Assessments, according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Trunk sewer,
resolution of
council for.

SEC. 3. When the common council shall determine to construct any main or trunk sewer they shall so declare by resolution, and shall cause a plat or diagram thereof to be made, which plat or diagram shall indicate the route, location, grade, and dimensions of the sewer, and shall determine, by resolution, what part of the estimated expenses of such sewer, within the limitations of this act, shall be paid and defrayed by general assessment upon all the taxable lands and premises of said city, raising the same upon the general tax-roll of the city as in this act provided, and what part shall be defrayed by special assessment according to benefits as aforesaid; and they shall cause such plat or diagram as adopted to be recorded in the office of the recorder in a book of sewer records.

Special assess-
ments.

SEC. 4. Special assessments for the construction of sewers shall be made by the controller of the city, in the manner provided in this act for making special assessments, and all subsequent proceeding relating thereto shall be the same as is prescribed in the several sections of Title XII of this act, unless in this act otherwise provided.

Sewer, petition
of majority of
tax payers
necessary.

SEC. 5. The common council shall not order any sewer made, constructed, or established unless a majority of the resident taxpayers, as appears from the last assessment roll, whose property will probably be liable to assessment for such improvement, petition therefor: *Provided*, That the common council may, by a vote of a majority of all the aldermen elect, order any sewer made, established, and constructed.

Proviso.

Sewer, special
assessment for.

SEC. 6. The cost and expenses of constructing any lateral or branch sewer connecting with a main or trunk sewer, shall be paid and defrayed by special assessment upon all the taxable lands and premises benefited thereby in proportion to the estimated benefits accruing to each parcel respectively, from the construction of such lateral or branch sewer.

Right to con-
nect with sewer.

SEC. 7. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains with the public sewers and drains, under such rules and regulations as the council shall prescribe.

Sewer tax.

SEC. 8. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Special assess-
ment.

SEC. 9. Such part of the expenses of providing ditches and improving water courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

SEC. 10. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund of the district in which such sewers are constructed. The expenses of rebuilding public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof. General fund.

TITLE XII.

STREETS AND PUBLIC IMPROVEMENTS.

SECTION 1. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, sidewalks, streets, bridges, lanes, alleys, parks, and public grounds therein, and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, sidewalks, bridges, lanes, alleys, parks, and public grounds, and to cause the same to be repaired, cleansed, improved, and secured from time to time as may be necessary; to regulate the roads, streets, highways, lanes, parks, and alleys already laid out, or which may hereafter be laid out, or to alter such of them as they may deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the recorder of said city, in a book of street records; and the recording of such highways, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall be hereafter laid out and established by the said council, and recorded in the book of street records, in the office of the recorder, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution entered in their minutes: *Provided*, That each ward shall constitute a highway district. Common council, care of streets, sidewalks, etc.
Street records.

SEC. 2. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stand for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, and telegraph poles in or over the streets; to prohibit immoderate riding or driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets or elsewhere in the city, and to Highway district.
Use of streets, etc., regulated by council.
Stand for vehicles kept for hire.
Places for sale of wood, coal, hay, etc.
To regulate the placing of signs, etc.
Immoderate driving.
To prohibit sports, etc.
Running at large of horses and cattle, etc.

Dogs, destruction of.	impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and
Purifying streets.	purify the streets; and to prohibit, prevent, remove, and abate all
To abate nuisances.	nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to
Police regulations.	prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships, and to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to compel such buildings to be erected upon such line.
Line upon which buildings to be erected.	
Arches, bridges, wells, pumps, reservoirs, etc.	SEC. 3. The common council shall have power to cause arches and bridges, wells and pumps, and reservoirs to be built in any part of the city; to grade, gravel, raise, level, repair, amend, pave, or cover with broken or pounded stone, plank, or other material any street, lane, alley, highway, public grounds, cross-walks, or sidewalks, and to provide for the planting and protecting of shade trees along the sides of the streets and public grounds in said city; to
Grading, etc., of streets, etc.	cause any lots, blocks, or land within said city, on which or any part of which water shall stand and become stagnant, to be raised, filled up, or drained, and whenever the common council shall order any of the improvements that are mentioned in this section, or any section of this title then such expenses of making any such improvement may be assessed and levied upon the lots, premises, and subdivisions thereof which are in front of or adjoining such streets, sidewalks, and other improvements that may be ordered by the common council, or upon the lots, blocks, or lands which may be in whole or in part filled up or drained; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting any such tax, and may provide by ordinance for assessing such tax in the general assessment rolls of said wards, which tax shall be and remain a lien upon the land, and if not paid the land may be sold therefor in the same manner as provided for ordinary city taxes.
Shade trees.	
Stagnant water.	
Mode of assessing and collecting tax.	
Tax to be a lien.	
Local improvements, common council determine by whom to be paid.	SEC. 4. Whenever the common council shall determine that the whole or any part of the expense of any local improvement shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, after ascertaining as they may think proper the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans, and assessments incidental thereto shall be included in the estimated expenses of such improvement.
Estimate and plans.	

SEC. 5. The comptroller shall thereupon make an assessment upon all the owners or occupants of lands and houses within the portion of the city so designated, of the amount of expense in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by the making of such improvements, and shall make out an assessment roll in which shall be entered the names of persons and the description of the property assessed, and the amount assessed to each person respectively, and in case any lots or parcels of real estate shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, on non-residents, with the amount assessed thereon, which assessment roll shall be subscribed by him and returned within thirty days to the common council of said city, unless such time be extended by resolution of said common council.

Comptroller to make an assessment roll.

Return of to common council.

SEC. 6. Upon such return being made and filed, the comptroller of the city shall cause notice to be published in a daily newspaper of the said city, or in Bay county, for at least ten days, giving a general description of the section or the portion of the city determined by the common council to be benefited by such improvement, and that the board of review will, at a time and place to be designated in said notice, meet and review said assessment roll.

Notice to be published.

Board of review.

SEC. 7. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the board of review of assessments shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same person or by such other person as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment; or the said board of review may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper. The said board of review shall continue in session at least one day, and for such longer time as they may deem necessary. After said board of review shall have reviewed and approved said assessment roll as hereinafter provided the comptroller shall endorse thereon the words, "Local tax roll for (paving Midland street, or, as the case may be), as approved by the board of review," (affixing time of approval.)

Idem.

Term of session.

Comptroller, endorsement.

Said roll when so endorsed shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of said tax and tax-roll.

Evidence.

SEC. 8. After the tax-roll shall be so approved the comptroller shall deliver such roll to the treasurer of said city, who shall retain the same in his hands for a period of thirty days from and after the first day of the next calendar month ensuing, during which period he shall receive all voluntary payments, and one per cent added thereto and collected as a collector's fee. He shall cause notice to be given or mailed to all persons assessed on said roll, notifying

Comptroller to deliver tax roll to treasurer.

Notice to be given.

Treasurer to
return tax roll
to comptroller.

them that such roll is in his hands, and that he will be in his office during reasonable office hours to receive all voluntary payments thereon without interest until the time herein provided for the return of the same to the comptroller. Within two days after the expiration of said time the treasurer shall return said roll to the comptroller, whereupon the comptroller shall immediately annex thereto a warrant directed to the treasurer of said city substantially in the form following, viz.:

To the Treasurer of West Bay City:

Comptroller's
warrant to tax
roll.

You are hereby commanded to collect from the several persons named in the annexed roll, the several sums mentioned in the last column of said roll set opposite their respective names, remaining unpaid, together with a collection fee of four per cent, and to retain the same in your hands, for the purpose of paying the costs of *e. g.* (of paving Midland street from Linn street to Center street, or as the case may be). Interest will be added and collected by you upon all taxes assessed upon said roll, at the rate of one per cent per month or fraction of a month from the date of this warrant, as provided by law. You are further commanded to make return of said roll according to law, on the day of A. D. 18... "A. B., Comptroller."

Dated

Four per cent
for collection.

Upon receiving the said roll and warrant the said city treasurer shall proceed to collect of the several persons named in the roll the amount assessed against them thereon, as commanded by said warrant, together with four per cent for collection. In case any person named in said roll shall neglect or refuse to pay his tax, it shall be the duty of the treasurer to levy the same by distress and sale of the goods and chattels of such person wherever the same may be found within the county of Bay. In the event of any property being seized by the treasurer, as above prescribed, he shall proceed to advertise and sell the same in the manner provided by law for the sale of chattels seized by the treasurer under a warrant annexed to the city tax-roll. The treasurer shall collect interest on all taxes delinquent after the date of the warrant; and such interest shall be collected at the rate of one per cent for each calendar month or fraction of a month, which shall elapse between the date of the warrant and the time of payment, *e. g.* if the last date fixed in said warrant be the first day of July, one per cent interest shall be added to and collected upon all taxes assessed on said roll, paid during the month of July, and two per cent upon all taxes paid during the month of August then next following. The treasurer at the expiration of two calendar months from the date of said warrant shall return said roll to the comptroller.

Interest on
taxes.

Treasurer to
return roll to
comptroller.

Idem.

Statement
attached there-
to.

SEC. 9. At the time fixed in said warrant for the return of said roll, the treasurer shall return the same to the comptroller, with a statement thereto attached, wherein he shall state substantially that the amounts so returned as unpaid remain unpaid by reason of the treasurer being unable, after diligent inquiry, to find sufficient personal property on which to levy and collect such taxes; which statement and return shall in all cases be made under oath and

filed in the office of the comptroller. On return of such roll as above provided for, the comptroller shall immediately transcribe such descriptions of property upon which the several amounts of taxes appear on said roll unpaid, with the accrued interest thereon added thereto, into a book provided and kept for that purpose. The comptroller shall deliver such transcript to the treasurer, to whom any person or party in interest may pay such unpaid tax or assessment at any time before it is put into the general county tax-roll, as provided hereinafter, by paying to the treasurer the amount of tax so assessed against him or upon his property, together with interest at the rate of one per cent per month, or fraction of a month, the same to be added and computed from the day of the month on which said transcript was delivered to the treasurer to the date of payment, and a collection fee of four per cent. Such transcript shall be returned to the comptroller on the first day of November next following, who shall proceed to add the interest accrued as above, at the rate of one per cent per month or fraction of a month, and shall assess the said taxes and interest against the same descriptions and property in the county tax-roll, as provided in section twelve of Title XIII of this act; and such taxes and interest shall then be levied, collected, and returned, and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes. No taxes levied or assessed under this act shall be rendered invalid by reason of the treasurer neglecting to swear to or file the statement required by this section.

Duty of comptroller.

Within what time tax may be paid.

Duty of comptroller.

Neglect of duty by treasurer does not invalidate tax.

SEC. 10. If upon the completion of any such improvement for which an assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons owning the property, assessed in proportion to the amount collected of each description of such property, and shall pay the same to the person or persons who paid such excess, on demand.

Excess of tax to be paid back.

SEC. 11. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the deficiency on the owners and occupants of houses and lands benefited by such improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, as in the original assessment.

Deficiency, how raised.

SEC. 12. Whenever any special assessment to defray the expense of any improvement shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid, by the judgment or decree of any court of competent jurisdiction, said council may from time to time, until a valid assessment is made, cause a new assessment to be made for the purpose for which the original assessment was made, and in the manner provided for making the original assessment; and whenever the tax or any part thereof assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as afore-

Invalid assessment vacated.

New assessment.

Tax paid on
invalid assess-
ment to be
credited on re-
assessment.

said, has been paid, and shall not have been refunded, it shall be the duty of the treasurer to apply said payment upon the re-assessment on said lot or parcel of real estate and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied, after which no part of the amount paid on the original assessment shall be refunded unless the amount paid as aforesaid exceeds the amount of the re-assessment, in which case the excess shall be refunded, and the person who paid the same shall be the person entitled to the amount to be refunded. All the provisions of this act making special assessments a lien upon the lots and parcels of real estate enforced therein, and also those relating to the collection of special assessments, shall apply to re-assessments. The provisions of this section shall apply to assessments heretofore made as well as those which shall hereafter be made.

Non-residents,
lands of.

SEC. 13. The common council is authorized to assess the lands of non-residents and unoccupied lands of said city their just proportion of the expenses of all improvements in said city in the same manner, and the amounts so assessed may be collected in the same manner as assessments for improvements on other lands, designating them as non-resident lands. It shall in all cases be the duty of

Sidewalks, duty
to build, repair,
and keep snow
off.

the owner of every lot or parcel of land in said city, to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalk, and it shall be his duty to build sidewalks in front of or adjoining his premises. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served, or published, as the common council may direct by ordinance, resolution, or otherwise, shall fail or neglect so to do for such time, not less than twenty-four hours, as the common council, by a general or special ordinance, resolution, or otherwise, may fix, the common council may cause the same to be done at the expense of the ward in which such property is located, and may add such expense to the amount of general highway tax on such land in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected, the land sold therefor, in the same manner as for general city taxes. All sidewalks built shall be made of the material and be constructed in the manner and of the width as the common council shall, by a general ordinance, resolution, or otherwise, direct.

May be done at
the expense of
the ward.
Expense to be
assessed as high-
way tax against
land.

Sidewalks,
material and
mode of con-
struction.

Warrants must
not exceed ex-
ceed expense of
improvement.

Orders not to
exceed three-
fourths.

Re-assessment,
amount of.

SEC. 14. In all cases of special assessments for local improvements, no orders or warrants shall be issued that will in the aggregate exceed the expense of such improvement, and in no case shall orders be issued while the work is in progress to a greater amount than three-fourths of the expense made at the time of issuing the same, to be ascertained from the sworn estimates of the city engineer or other person employed by the common council for that purpose; and in case of any re-assessment, the whole amount so re-assessed shall not exceed the amount necessary to defray the

expense of the improvement for which such reassessment is made, with the accumulated interest.

SEC. 15. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked, and used by the public as a street or alley before the passage of this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after the passage of this act unless the dedication shall be accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose.

City not responsible for streets unless accepted.

SEC. 16. The common council may provide by resolution or ordinance that lots and premises assessed for the paving of any street or public place shall be exempt from the payment of any highway tax thereon, except for the widening, repairing, or repaving of such pavement adjoining such lots or premises including street crossings; such exemption shall extend for such a period as the common council in such resolution or ordinance shall determine.

Lots, etc., exempt from highway tax.

SEC. 17. The resolution of the common council of such city heretofore passed exempting from highway tax such premises and lots as have paid pavement tax in the city, is hereby declared valid and legal, and such property so paying pavement tax is hereby declared exempt from highway tax in said city except for the widening, repaving, or repairing of such pavement adjoining such lots or premises, including the street crossings.

Resolution exempting from highway tax valid.

Exempt from highway tax.

TITLE XIII.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The comptroller of said city shall make and complete an annual assessment roll for the city of West Bay City, in the manner provided by general law. The provisions of the general tax law of the State of Michigan, being entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved March fourteen, eighteen hundred and eighty-two, being act number nine, of the session laws of eighteen hundred and eighty-two; and all other provisions of the general statutes of the State upon the subject of taxation, as they now exist, or may hereafter exist, shall apply to and govern, in the assessment and collection of the general taxes in said city, and in the return and sale of property delinquent therefor, except as herein otherwise provided; shall also govern and apply in respect to the powers, duties, and liabilities of officers, and the rights, duties, and liabilities of persons and property touching and concerning such taxes; and shall have the same force and effect in said city as in the several townships in this State, so far as the same may be applicable, except as herein otherwise provided.

Assessment roll.

General tax law.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the comptroller, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence and is taxed or liable to taxation

Taxation of transient persons.

- elsewhere than in said city, the comptroller shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer or officer requiring payment of such tax a certificate of the assessing officer of the place where such person claims to reside, and also by the affidavit of the person charged with the tax, showing that such person has been assessed upon all of the same property for the same year.
- Certificate of the assessing officer.** SEC. 3. The comptroller, mayor, and senior alderman of each ward shall constitute a board of review of assessments; the mayor shall be chairman of said board. On the third Monday in June, said board shall meet at the office of the recorder, and there proceed to review and correct the annual assessments, made by the comptroller of the city as aforesaid, and for that purpose said board shall have the same powers and perform the same duties in all respects, except attaching warrants, as supervisors of townships have in reviewing and correcting the assessments made by them. Said board shall continue in session not less than three nor more than five days, for the purpose of completing such review, during the first three days of which any person interested may be present and make appeals, and be heard. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the recorder by publication in a newspaper published in said city, or in Bay county, at least one week before the time for the review, and the said comptroller shall place his assessment roll in the hands of the recorder of said city on the Saturday next preceding such review day, for the use of such board of review, and after such review is completed the recorder shall deliver said assessment roll to the comptroller, to be used by him in making the copies which are required by this act.
- Board of review.** SEC. 4. When the board shall have reviewed and corrected the assessment roll or local tax roll they shall, in addition to the certificate required to be made by the comptroller, add their own certificate to such roll, signed by at least a majority of them, showing that they have reviewed the roll. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll any taxable property, real or personal, not already assessed, held, or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.
- Notice of meeting.** SEC. 5. When such assessment roll shall be completed and approved the comptroller shall endorse thereon "City Tax-Roll," and said roll shall, when so endorsed, be *prima facie* evidence in all courts and tribunals of the regularity of all the proceedings preliminary to the making thereof, and of the validity of said tax and tax-roll, and said comptroller shall forthwith make therefrom, and
- Assessment roll must be in the hands of the recorder when.**
- Board of review, their certificate.**
- Authority of.**
- Assessment roll.**

deliver within thirty days to the recorder, a full and complete copy of such assessment roll for the use of the common council.

SEC. 6. Whenever, in consequence of a defective description or assessment of any lands whereby the same cannot be sold for the city taxes of any year, the common council may cause such taxes to be re-assessed upon such lands at the next annual tax levy. The treasurer of said city shall immediately after receiving the city tax-roll or any local tax-roll, proceed to examine such roll, and he shall reject all lands therein which are improperly and inadequately described, and all lands therein more than once assessed, or which from any reason are not properly assessed on such roll, and shall report the same in writing to the common council before the next annual tax levy.

SEC. 7. It shall be the duty of the comptroller under the direction of the common council, whenever the city assessment roll shall have been completed, reviewed, and corrected in each and every year, to assess the taxes that have been ordered by the common council to be levied for the year upon the taxable property of the city, or any ward or locality thereof, according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year as approved by the board of review. Such assessment roll shall contain the taxes for the general funds of the city for the year, annexed to each valuation and carried out in a column thereof, and if there be other taxes assessed than for the said general funds, they shall be carried out in separate columns, and all special assessments required by the common council or the provisions of this act to be assessed in such roll against any description of land, shall be carried out in separate columns thereof, and the total amount of taxes and assessments shall be carried out in the last column of such roll. The comptroller of said city shall thereupon deliver to the city treasurer, on or before the first Monday in August, a copy of said assessment roll with his warrant attached thereto, commanding said treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column thereof set opposite their respective names, and in addition thereto one per cent upon all sums paid for collecting expenses for the first thirty days thereafter and three per cent additional for collecting expenses on all such taxes remaining unpaid after said thirty days. And also one per cent interest per month for every month or fraction of a month upon all such unpaid taxes after said thirty days, and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax and said collecting expenses, and interest, if any, to levy the same by distress and sale of the goods and chattels of such person; and to retain the said tax-roll in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next following.

SEC. 8. The treasurer, upon receiving such tax roll, shall give notice to the tax-payers of said city that such assessment roll has been delivered to him, and that the taxes therein assessed can be paid to him at his office in said city at any time within thirty days

Re-assessment.

Rejected lands.

Assessment of taxes.

Copy of assessment roll to be delivered to treasurer when.

One per cent.

Three per cent.

Roll to be returned to comptroller when.

Notice to tax-payers, publication and posting.

Affidavit of publication and posting.	<p>after the giving of such notice, with the addition of one per cent for the collection thereof, which notice shall be given by publishing the same in a newspaper published in said city, or in Bay county, and by posting the same in at least three public places in each of the wards of said city, and an affidavit or affidavits showing the publication and posting of said notices shall be filed in the office of the recorder of said city, and it shall be the duty of the treasurer during said thirty days to be at his office daily during reasonable office hours to receive payment of said taxes: <i>Provided</i>, In case such treasurer is justly apprehensive of the loss of any personal tax he may collect the same by levy and distress at any time under his warrant, or bring suit in the name of the city to recover the same, and in case of seizure of property or suit brought he may add four per cent for collection fees in addition to the other costs and charges connected with such levy or suit.</p>
Proviso.	<p>SEC. 9. The treasurer shall also forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying him that said city roll is in the hands of said treasurer, that the taxes and assessments charged to him upon said roll, and the percentage for the collection of the same, is due. In case any person named in said roll shall refuse or neglect to pay any tax on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person, wherever the same may be found within the county of Bay; and thereupon the treasurer shall possess all the powers, be subject to all the duties conferred and imposed by sections thirty-five and thirty-eight of an act entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved March fourteen, eighteen hundred and eighty-two, being act number nine of the session laws of eighteen hundred and eighty-two, and amendments thereto.</p>
Levy and sale for taxes.	<p>SEC. 10. Upon all taxes paid on or before the expiration of thirty days from the first Monday in August in each year, one per cent will be added and collected by the treasurer for collecting expenses. Upon all taxes paid after that time four per cent will be added and collected by said treasurer for collecting expenses. The treasurer shall collect interest upon all taxes paid after the expiration of said thirty days, to be computed at the rate of one per cent per month for each month or fraction of a month. Such interest shall become a part of said tax, and both tax and interest shall be collected by said treasurer in the same manner and at the same time. Within ten days after the return day mentioned in said warrant, the said treasurer shall return said city roll to the comptroller. All taxes collected as city taxes shall be applied to fill the city fund, and taxes assessed and collected as highway taxes in each ward shall be applied to fill the highway fund of that ward, and all other taxes shall be applied to the funds and purposes for which they are levied.</p>
One per cent.	<p>SEC. 11. The comptroller shall each year make a copy of the city assessment roll, as approved by the board of review of said city, which copy shall be used and known as the "county tax-roll," which said county tax-roll he shall present to the board of super-</p>
Four per cent.	
Interest.	
Treasurer to return roll to comptroller. Taxes, to what fund applied.	
County tax roll.	

visors of Bay county at their annual meeting in the month of October; which said county tax-roll shall be and constitute the assessment roll for State, county, and school taxes in said city, and the same shall be conclusively presumed, by all tribunals, to be valid and to have been made according to law. It shall be the duty of the clerk of the board of supervisors to deliver to the comptroller of said city, the certificate of taxes directed to be levied in said city by the board of supervisors of Bay county, at the [its] annual session in each year, pursuant to law; and said comptroller shall thereupon assess and levy the same upon said county tax-roll.

Comptroller to deliver to the board of supervisors.

Duty of the clerk of the board of supervisors.

Duty of the comptroller.

SEC. 12. If any tax assessed upon the city tax-roll against any person or upon any property, real or personal, shall remain unpaid, at the time of the return of such tax-roll to the comptroller, the comptroller shall enter and assess the amount of said taxes with the interest accrued thereon computed at the rate of one per cent per month, for each month or fraction of a month, added thereto upon said "county tax-roll" opposite to and against the same person and property; so in like manner if any tax assessed upon any local or special tax-roll, against any person or upon any property, shall remain unpaid at the time of the return of such local or special tax-roll or transcript to the comptroller, the comptroller shall compute the interest due on such tax up to the return of such local or special tax-roll or transcript, November first, as provided in section nine of Title XII of this act, and the amount of such tax and interest thereon added to the other city taxes shall be assessed upon said "county tax-roll" against the same person or upon the same property. The different taxes to be assessed upon said "county tax-roll" shall be entered in the different columns as follows: The State tax in a column headed "State tax," county tax in a column headed "county tax," the school tax in a column headed "school tax," and all other taxes of whatever name and nature in a column headed "city tax."

Taxes returned, one per cent per month shall be added.

County, State, school, and city tax.

SEC. 13. When any tax assessed upon any tax-roll is paid, or collected by the treasurer, he shall give a receipt therefor, and shall write the word "paid" in ink with date of payment upon such roll opposite thereto, and shall indicate on said roll opposite the tax the amount of interest collected, in ink. If the tax upon any particular description of land upon said roll shall be paid only on a part of the land, or upon an undivided interest therein that fact shall be fully stated upon said roll so that it may, by inspection of the roll, be readily determined upon what part or interest the tax has been paid and upon what part or interest it has not been paid. The treasurer shall keep a tax collection book in which he shall enter in separate columns the name of the party paying, the tax paid, page of tax-roll, amount of tax paid, amount of interest paid, and date of payment of tax.

Tax receipt.

Roll to be marked paid.

Interest.

Part payment.

Tax collection book.

SEC. 14. The comptroller shall deliver the county tax-roll with his warrant attached thereto, to the treasurer of said city on or before the first Monday of December. Said warrant shall be under the hand of the comptroller commanding said treasurer to collect from the several persons named in said roll the several sums men-

Tax-roll to be delivered to treasurer when.

Warrant.

tioned in the last column thereof set opposite their respective names, and in addition thereto one per cent upon all sums paid, for collecting expenses, on or before December thirty-first then next, and three per cent additional for collecting expenses on all such taxes remaining unpaid after that day; and also one per cent interest per month for each month or fraction of a month upon all such unpaid taxes after January thirty-first; and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, and said collecting expenses and interest, if any, to levy the same by distress and sale of the goods and chattels of such person; and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes on or before the first day of February then next ensuing.

Notice that tax-roll is in hands of treasurer.

SEC. 15. Upon receiving said county tax-roll and warrant said treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying them that said county tax-roll is in the hands of said treasurer and that a tax assessed thereon against said person and the percentage for the collection of the same is now due, and that if said tax is not paid on or before the thirty-first day of January then next, interest will be added thereto at the rate of one per cent per month for each month or fraction of a month. The said treasurer shall possess the same powers and be charged with like duties under and in respect to the county tax-roll and warrant thereto annexed, as is prescribed in respect to the city tax-roll and warrant thereto annexed; and he shall also possess all the powers, be subject to all the liabilities and discharge all the duties prescribed by general law for township treasurers in respect to the collection of taxes, the paying over and accounting for moneys received for taxes, the return to the county treasurer of property delinquent for taxes, and in respect to all other matters pertaining to the subject of taxes and taxation except as herein otherwise provided.

Powers and duties of treasurer.

One per cent.

SEC. 16. Upon all taxes paid on or before December thirty-first then next, after the county tax-roll is delivered to said treasurer, one per cent shall be added thereto, and collected, for collecting expenses; and three per cent additional for collecting expenses shall be added and collected by said treasurer on all such taxes paid after said thirty-first day of December, and interest shall be computed, added to the tax, and collected by the treasurer, upon all unpaid taxes, after the thirty-first day of January, at the same rate and in the same manner as is provided by section seven in respect to taxes assessed upon the city tax-roll.

Three per cent.

School, city and highway fund.

SEC. 17. The moneys collected by the treasurer upon the county tax-roll as school taxes shall be applied to fill the "school fund;" and the other city taxes collected shall be applied ratably to fill the city and highway and other funds.

Extending time for collecting.

SEC. 18. The common council shall have power to extend the time for the collection of taxes on said county tax-roll, and for making return thereon in the manner and to the extent now and as may be hereafter provided by general law.

SEC. 19. No public square, park, or other public ground, and no property owned by said city, or the board of education of said city, shall be assessed for any tax or assessment whatever, except for local taxes and improvements; and for such taxes and improvements such property shall be assessed in like manner as the property of private individuals.

Public square, park, etc., taxation of.

SEC. 20. All moneys drawn from the treasurer except school funds shall be drawn in pursuance of an order of the common council, by warrant signed by the recorder and countersigned by the mayor. Such warrant shall specify for what purpose the amount therein named is to be paid, and the recorder shall keep an accurate account of all warrants paid by him. The treasurer shall keep an accurate account of, and report to the recorder on the first of each month a detailed statement of all taxes and interest collected and moneys received and disbursed. Said books shall be open to the inspection of any elector of the city at all reasonable hours. All warrants paid by the treasurer shall at all times be subject to the inspection of the recorder, who shall give the treasurer credit for moneys disbursed. The treasurer shall exhibit to the council an annual statement, at the end of the fiscal year, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and, if found correct, shall be filed. The recorder shall render statements of the accounts of the city appearing upon his books, whenever required by the council.

Money drawn upon order of council.

Warrant signed by whom, etc.

Duty of treasurer.

Books to be open for inspection.

Warrants, inspection of by recorder.

Treasurer, duties of.

Recorder, duties of.

SEC. 21. The comptroller, at the time of delivering any tax-roll to the treasurer shall charge the amount of taxes assessed thereon to the treasurer, and when such roll shall be returned the treasurer shall be credited with the amount of tax remaining delinquent. The interest collected by the treasurer shall be credited by the comptroller ratably to all the funds mentioned in the warrant annexed to such roll. At the time of the return of the county roll to the county treasurer the comptroller shall charge said county treasurer the amounts of said return roll, and the comptroller shall report in writing to the recorder the amounts so charged, and at the time of any settlement between the city treasurer and county treasurer, said county treasurer, on paying over any sums due West Bay City, shall furnish a full statement to the recorder and treasurer of the amounts of such taxes and interest collected and paid over, giving each fund separate.

Comptroller, charged with amount of tax.

Interest to be credited ratably.

Treasurer and comptroller, duties of.

SEC. 22. The city treasurer shall file like bonds, and upon receiving such roll shall proceed to collect the State, county, school, and all other taxes on said roll and pay over the amount collected for State and county taxes to the county treasurer, and return to the county treasurer a statement of the taxes remaining unpaid on said roll, in the manner provided by law for township treasurers; and all the provisions of the laws of this State relating to the collection of taxes by township treasurers and paying over the same to the county treasurer, or the returning by township treasurers to the

City treasurer, duties of, governed by same law as township treasurers.

county treasurer of a statement of the taxes remaining unpaid, are hereby made applicable to the treasurer of said city, except as may be in this act otherwise provided.

By-laws for the collection of taxes.

Tax to become a lien.

SEC. 23. The said council shall have power and authority to make and establish all by-laws, for the collection of taxes and assessments and every local, special, or general assessment or tax lawfully imposed by said common council on any lands, tenements, hereditaments, or premises whatever in said city, shall be and remain a lien on such lands, tenements, hereditaments, and premises from the time of imposing such tax or assessment until paid, and the owner or occupants or parties interested respectively in said real estate shall be liable on demand to pay every such tax and assessment to be levied as aforesaid.

TITLE XIV.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the city shall commence on the second Monday in April in each year, unless otherwise provided by ordinance.

Authority to raise money by tax.

SEC. 2. The common council of the city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.

General funds.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by tax, shall be divided into the following general funds:

First, Contingent fund, to defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

Second, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Third, Water fund, for constructing reservoirs and cisterns, and providing other supplies of water; for constructing and maintaining water-works and extending water pipes:

Fourth, Public building fund, for providing parks and public buildings, and for the purchase of lands therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

Fifth, Police fund, for the payment of the marshal and police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Sixth, Cemetery fund;

Seventh, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;

Eighth, General sewer fund;

Ninth, Such other funds as the common council may from time to time constitute.

SEC. 4. Revenues and moneys raised by taxation in wards and special districts of the city shall be divided into the following ward and special funds:

First, A ward street fund, to defray the expenses of opening, widening, extending, and altering streets, alleys, and public grounds, for paving, curbing, graveling, and planking the intersections of public streets and alleys and repairing the same, for cleaning public streets, alleys, and grounds, and for the construction and repair of crosswalks;

Second, A district sewer fund, to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses within the respective sewer districts;

Third, A street district fund for each street district, for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district;

Fourth, Special assessment funds,—any money raised by special assessment levied in any special assessment districts or special sewer district to defray the expenses of any work, paving, improvement, or repair, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

SEC. 5. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money, or authorize the creation of any additional liability or indebtedness against the city unless such liability or indebtedness shall have been authorized by the vote of a majority of those qualified electors voting in their respective wards, at a special city election, and such electors shall be notified of any proposition to be thus submitted to them, by the recorder, publishing a notice in pursuance of an order, or resolution of the common council, of the intention to thus submit such a proposition, in a newspaper published in said city, or in Bay county, and posting three copies of said notice in three of the public places in each ward of said city. Said notice shall specify with particularity the amount proposed to be raised, and the fund or funds, or purposes for which it is proposed to raise money by incurring such liability or indebtedness, and it shall not be lawful to create any such liability or indebtedness in any one year, exceeding in the aggregate the amount of five per cent of the assessed valuation of the property in said city; nor shall it be lawful for the city ever to create an indebtedness, bonded or otherwise, which shall, with all outstanding indebtedness, exceed ten per cent of the assessed valuation of the property therein; and in case any sum or sums of money shall be borrowed by said common council, the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatever.

SEC. 6. It shall be the duty of the common council in each and every year, so long as the city shall remain in debt, to include in

Additional indebtedness.

Qualified electors.

Notice of submitting question to be published and posted.

Five per cent.

Ten per cent.

Sinking fund.

the taxes levied, not less than one-tenth of one per cent nor more than one-half of one per cent of the assessed valuation, to be used as a sinking fund, to reduce the indebtedness of the city, by the purchase of outstanding bonds and obligations as the common council shall determine.

How money to be drawn from the city treasury.

SEC. 7. No money shall be drawn from the city treasury except school moneys, unless it shall have been previously appropriated to the purpose for which it shall have been drawn; and all ordinances, resolutions, and orders directing the payment of money shall specify the object and purposes of such payment, and the fund from which it shall be paid, which shall be certified by the recorder and countersigned by the mayor, before the same shall be paid by the treasurer.

Indebtedness can only be created under this charter or by act of the legislature.

SEC. 8. No bond, obligation, or evidence of indebtedness of said city shall ever be given or issued, nor shall any debt be contracted by said city, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money, except as expressly provided in this act, or by an act of the Legislature. Nor shall any order or warrant for the payment of money be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same, except in payment of the necessary contingent expenses of the city, unless the same shall have been submitted to and voted for by the electors of said city in conformity to this act, or an act of the Legislature: *Provided*, That in cases of special assessments, under the provisions of this act, orders or warrants may be drawn to the amount of the assessment made.

Orders not to be drawn when.

Except.

Proviso.

Uncollected taxes, council may temporarily borrow the amount.

SEC. 9. The common council may borrow temporarily, on the faith and credit of the city, a sum not exceeding the total amount of the return roll of uncollected taxes, for city and ward purposes for that year, and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the recorder, in such form and for such sums subject to the limitations herein contained, and the council shall direct, and such bonds shall be disposed of by the treasurer, under the direction of said council, upon such terms as they shall deem advisable, but not for less than par, and the avails thereof shall be applied to the purposes contemplated in the tax roll for that year, and for no other purpose whatever.

Bonds cannot be sold at less than par.

May borrow in anticipation of special assessment.

SEC. 10. The common council shall also have power and authority to raise moneys by loan, in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Money borrowed, when made payable.

SEC. 11. All sums of money so borrowed shall be made payable not later than one year from the first day of March, next succeeding the date of any such temporary loan, and the same shall be paid out of the sums raised by tax for such year, if the payment thereof be not otherwise provided.

Assessment and collection of taxes.

SEC. 12. The common council shall have power and authority to make and establish all necessary by-laws for the assessment and

collection of taxes, and every local, special, or general assessment, or tax lawfully imposed by said common council, on any lands, tenements, hereditaments or premises whatever in said city. It shall be the duty of the common council, on the first Monday in May of each year, or as soon thereafter as practicable, to determine, by resolution to be termed the annual appropriation bill, the amount necessary to be raised by tax for the following general purposes in said city, viz.: For contingent expenses, fire department, water-works, police and general sewer funds, the erection of public buildings or parks, and the purchase of lands therefor, cemetery, interest, and sinking fund, and for paying any liabilities which may have been incurred by said city. The common council may raise by tax to be levied upon the real and personal property within said city, such amounts so determined, not exceeding one per cent on the dollar, exclusive of interest on the bonded debt of the city and fire department taxes, on the assessed valuation of such real and personal estate, within the limits of the city, according to the valuation thereof, taken from the assessment roll of that year, which amounts, determined as aforesaid, shall be entered at large on the records: *Provided*, That by a four-fifths vote of all the members elect of the common council, they shall have power to increase the aggregate to be raised to one and one-quarter per cent on the dollar of the assessed valuation of the city; and the common council in addition to the other amounts herein authorized to be raised, shall determine the amount necessary to be collected in each ward respectively, for ward purposes, including expenses for sewerage and paving, not exceeding two per cent in any one ward, but all ward and highway taxes shall be passed to the credit of and expended in the ward in which they may be collected.

Common council, when to determine the amount of the annual appropriation.

One per cent.

Proviso.

One and one-quarter per cent.

Ward tax.

Two per cent.

SEC. 13. The common council may designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or reassessed with the next general tax as mentioned in this act, and the disposition to be made of such moneys; and may also in said bill, recommend any local improvements which they may deem advisable to make during the next fiscal year, to be paid in whole or in part, by special assessments, and the estimated cost thereof.

Deficiency.

Special assessment.

Local improvements.

TITLE XV.

OF PREVENTION AND EXTINGUISHMENT OF FIRES.

SECTION 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the city as they shall think proper, within which no buildings of wood shall be erected, and may direct and regulate the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate such ordinances or regulations shall be liable to a fine or penalty in the sum

Fire limits.

of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated or removed by such common council.

Scuttles on
roofs, stairs or
ladders.

SEC. 2. The common council may, by ordinance, require the owners and occupants of houses and other building to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed; and may recover the expense thereof, with ten per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Ashes, chim-
neys, stove-
pipes, etc.

SEC. 3. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke: and upon the neglect of the owner or any occupant of any house, tenement, or building of any description having therein any chimneys, flues, stove-pipes, or other conductors of smoke to clean the same as shall have been directed by any ordinance, the common council may cause the same to be cleansed and may collect the expense thereof, and ten per cent in addition, from the owner or occupant whose duty it was to have the same cleansed.

Officers author-
ized to examine
houses, etc., as
a protection
against fire.

SEC. 4. For the purpose of enforcing such regulation, the common council may authorize any of the officers of said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling houses, buildings, and tenements of every description, and all lots, yards, and enclosures, and to cause such as are dangerous to be put into a safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally, with such powers and duties as the common council shall deem necessary, to guard the city from the calamities of fire.

Fire engines,
etc.

SEC. 5. The common council may procure, own, build, erect, and keep in repair such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire hooks and fire buckets and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, and reservoirs of water as they from time to time shall judge necessary, and may maintain, establish, and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and may appoint from among the inhabitants of said city such number of men willing to accept as may be deemed proper and necessary to be employed as firemen: and every

such company shall make their own by-laws and rules for the Firemen. organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hook and ladders, and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in its charge, with a view of keeping the same in perfect order and repair, and upon any alarm and breaking out of any fire in said city, each fire company shall forthwith assemble at the place of such fire with the engines and other implements of the company, and be subject to the orders of the chief engineer, or other person for the time being lawfully acting as chief engineer of the fire department.

SEC. 6. The common council of said city shall annually, or as Chief engineer. often as necessary, appoint a chief engineer, who shall have command of the whole fire department of the city, subject to the order of the common council, and also a first and second assistant en- First and second assistant. gineer, either of whom may act as chief engineer in case of the absence or disability of the chief.

SEC. 7. The chief engineer, marshal, and any member of the Bystanders. common council may require the assistance of all bystanders in extinguishing any fire in said city, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall wilfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said city; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

SEC. 8. Every person belonging to an organized fire company in Firemen exempt from poll tax and serving on jury. said city, may obtain from the city recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries and from paying a poll tax in said city, and such certificate shall be evidence of the fact in all courts and places, on proof of the genuineness of such certificate.

SEC. 9. The common council may by ordinance direct the man- Ringling of bells. ner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

SEC. 10. The common council may provide suitable compensation for any injury that any fireman, hook-and-ladder-man, or tub Injury to firemen, compensation. and hose-man may receive in his person or property, in consequence of his exertions at any fire.

SEC. 11. The common council may by ordinance:

First, Prescribe the duties and powers of the engineers and ward- Engineers and wardens, duties and powers at fires. ens at fires and cases of alarms of fire, and may vest in them such

Mayor and
aldermen.

powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Second, Prescribe the powers and duties of the mayor and aldermen at such fires and cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistant during any fire;

Idle and dis-
orderly persons,
etc.

Third, Provide for the removal and keeping away from such fires of all idle, disorderly, or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens, or officers of the city;

Marshal, con-
stables and
watchmen.

Fourth, To compel the marshal, constables, and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe;

Ordinances,
by-laws, and
penalties.

Fifth, Said common council shall have power to enact ordinances and by-laws, to carry into effect all the provisions of this title, and to provide suitable penalties for a violation thereof.

Penalty for
disobeying
orders at fire.

SEC. 12. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest or direct orally a constable, watchman, or any citizen to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly.

Authorized to
pull down or
destroy build-
ing at fires.

SEC. 13. Whenever any building in said city shall be on fire, it shall be the duty and be lawful for the chief engineer, with the consent of the mayor or any alderman, or any two aldermen, to order and direct such building or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor, but any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment of the same in the same manner as is provided by this act for the ascertainment, assessment, collection, and payment of damages sustained by the taking of lands for purposes of public improvement.

Damages, how
assessed and
paid.

Assessment of
damages.

SEC. 14. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of said building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report

Probability of
destruction by
fire.

shall be made and finally confirmed in the said proceedings for appraising and assessing the damages, a compliance of the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

TITLE XVI.

PUBLIC SCHOOLS.

SECTION 1. That the city of West Bay City and all contiguous territory, which shall be added thereto shall constitute one school district, and all public schools therein shall be under the control of a board of education hereinafter provided for, and shall be free to all residents of said district over the age of five years.

SEC. 2. On the second Monday in July next, after the passage of this act, there shall be elected by ballot in each of the several wards of said city, by the qualified electors thereof, two school trustees, one of whom shall hold his office for the term of one year from and after the day of his election; and one for the term of two years from and after the day of his election, and who shall be respectively designated on the ballots as school trustee for long and for short term; and annually thereafter on the second Monday in July, there shall be elected, by ballot, in each of said wards, one school trustee, who shall hold his office for two years from and after the day of his election. No person shall be eligible to the office of school trustee unless he is a resident and qualified elector of said ward; and all votes cast at such election for any person who shall not be so qualified, shall be void. Before entering upon the duties of his office, and within five days after written notice to him of his election, the person elected as school trustee, at the first trustee election, shall qualify by filing his acceptance with the recorder of said city, and by taking, subscribing, and filing with said recorder the constitutional oath of office; which said acceptance and oath of office shall be after the organization of the board of education hereinafter provided for forthwith filed by said recorder with the secretary of said board. Thereafter before entering upon the duties of his office, the person elected as school trustee shall qualify by filing said oath and acceptance with the secretary of the board of education, within the time and in the manner above prescribed.

SEC. 3. Notice of the time of holding such election in each of the several wards of the city shall be given by the recorder of said city on at least six days and within ten days previous thereto by publishing such notice in a daily newspaper published in said city, or in Bay county, and also by posting two copies of said notice in each ward of said city: *Provided*, That after the first trustee election such notice shall be given by the secretary of said board. The inspectors of election in their respective wards, who were elected at the last preceding charter election, and a secretary to be chosen by the inspectors of each ward, shall constitute the board of inspectors of such election, and if any inspector be absent a person shall be chosen by the electors present to fill his place as inspector of such

Oath.	election. Each of said inspectors shall take a proper oath to faithfully perform his duties as inspector of such election, which oath may be administered by any officer authorized to administer oaths in said city. And when thus duly organized, the electors shall proceed to vote by ballot for the school trustees hereinbefore provided for. The polls shall be open at the respective voting places at the hour of two o'clock in the afternoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall in all respects be conducted in the manner provided by law for conducting the charter election of said city, except as in this act otherwise provided. No person shall be entitled to vote at such election unless he shall be a resident of the ward in which he shall offer to vote and possess all the other qualifications which would entitle him or her to a vote under the laws of the State pertaining to the election of school officers in townships.
Polls to open and close.	
How conducted.	
Qualifications of electors.	
Expense, how paid.	SEC. 4. The board of education shall pay all the expenses of such trustee elections from the contingent fund of said district, and the recorder of the city for the first trustee election shall provide a suitable box for each ward or voting place with lock and key, in which all votes when cast shall be deposited. At all trustee elections thereafter the secretary of the board of education shall provide such boxes in which the votes when cast shall be deposited. At such election the registration lists and books used at the last preceding charter election shall be used. The members of the board of inspectors of such election shall have power and authority to administer oaths to all persons respecting, and to decide upon their qualifications as voters at such election; and any person who shall knowingly swear falsely in regard to his right to vote at such election, upon conviction thereof shall be deemed to be guilty of perjury.
Ballot box.	
Registration lists.	
To administer oaths.	
Perjury.	
Canvass of votes.	SEC. 5. When said polls shall be finally closed, the board of inspectors of such election, in their respective wards, shall proceed publicly to count, determine, and declare the number of votes cast and for whom, and shall, on the same or the next succeeding day, make up and sign a statement in writing showing the names of all persons who shall have voted at such election in their ward, the whole number of votes cast, and the number of votes cast for each person for whom votes were cast; which statement shall, on the next succeeding day after said first trustee election, be filed with the recorder of the city; thereafter such statement shall be filed on the next succeeding day after any such election with the secretary of the board of education. The ballots shall, when the vote has been declared, be returned to the box, and the box be locked and sealed and deposited with the recorder of the city after the first trustee election and thereafter with the secretary of the board of education at the time of filing said statement.
Statement.	
To be filed with whom and when.	
Ballots and boxes, how disposed of.	
Common council to meet when to canvass.	SEC. 6. On the next Wednesday after such first trustee election at the hour of two o'clock in the afternoon of that day, the common council of said city shall convene at their usual place of meeting; at which time and place the statement aforesaid shall be produced

by the recorder, and said council shall determine from said statement who were elected to the office of school trustees in and for the several wards of the city at said election and the term for which each was respectively elected. The person who shall receive the highest number of votes for any such office shall be deemed to have been elected school trustee for such term as the common council shall determine as aforesaid in and for such ward; and if two or more persons in any ward shall receive an equal number of votes for the same office they shall cast lots as provided in section thirteen, Title III, of this act. When such statement shall be canvassed as aforesaid, said common council shall declare therefrom, who were elected to the office of school trustees in and for the several wards of the city and the term of office for which each was respectively elected at such election; and within two days thereafter the said recorder shall notify in writing each person so declared to be elected of his election. Annually thereafter, on the next Wednesday after any trustee election, at the hour of two o'clock in the afternoon of that day, the board of education shall convene at their usual place of meeting, at which time and place the statement aforesaid shall be produced by the secretary of said board, and said board shall thereupon proceed to determine from said statement who were elected to the office of school trustee in and for the several wards of the city at such trustee election. The person who shall receive in any ward the highest number of votes for such office shall be deemed to have been elected school trustee in and for such ward; and if two or more persons in any ward shall receive an equal number of votes they shall cast lots as hereinbefore provided. When such statement shall be canvassed as aforesaid, said board of education shall declare therefrom who were elected to the office of school trustees in and for the several wards of said city at such election; and within two days thereafter the secretary of said board of education shall notify each person so declared to be elected of his election. Every person elected to the office of school trustee under the provisions of this act shall, within five days after the receipt of notice thereof, qualify in the manner aforesaid and enter upon the duties of his office forthwith, and shall hold office until his successor is elected and qualified.

Shall determine who is elected.

To cast lots in case of tie vote.

Recorder to notify person elected.

Board of education to meet when and where to determine election of trustees.

Cast lots in case of tie.

Shall determine who is elected.

Secretary to notify person of election.

To qualify, when and how long to hold.

No compensation.

Secretary. Vacancy in board.

Quorum.

SEC. 7. Said school trustees shall receive no compensation whatever for their services: *Provided*, The secretary may receive not to exceed fifty dollars per annum. In case of the removal from the ward of any school trustee, or of loss by him, by any reason, of the qualifications requisite for a trustee, or in case of his death, resignation, or removal from office, his office shall be deemed to have become vacant and such vacancy shall be filled by the board of education, by appointing a school trustee from same ward in which such vacancy occurs, at the meeting thereof next after such vacancy shall have occurred, but the person so appointed shall hold such office only until the next regular trustee election thereafter, at which time, if the full term shall not have expired, said vacancy shall be filled by election. A majority of the members of the board of education shall constitute a quorum for the transaction of

	business; a less number may adjourn from time to time and compel the attendance of absent members.
Board of education, etc.	SEC. 8. The school trustees of said city shall be a body corporate under the name and style of "The Board of Education of the city of West Bay City," and in that name may sue and be sued, may prosecute and defend actions at law and in chancery, may take, hold, sell, and convey real and personal property as the interests of said schools may require; said school trustees shall have the power and authority to administer oaths in proof of claims and accounts against said board, and no such claim or account, except salaries of teachers, shall be audited or allowed by said board, unless the correctness of the same shall be proven under oath.
May sue, etc.	
May sell property, etc.	
May administer oaths.	
Claims must be sworn to.	
President and secretary.	SEC. 9. The board of education shall, on the third Monday in July in each year, or within ten days thereafter, elect one of their number president, and one of their number secretary of said board, who shall hold their respective office for one year thereafter, and until their successors shall be elected. Vacancies in either of said offices shall be filled by said board.
Board of education, property vested in.	SEC. 10. All the property situated in said city of West Bay City and now owned by school districts now numbered one, two, and three, respectively, of the city of West Bay City, is hereby vested in the said board of education of the city of West Bay City, and the said board of education of the city of West Bay City is hereby made the owner of all of said property subject to all contracts made with and by said districts respectively, and the said board of education is hereby declared liable for the payment of all bonds, notes, debts and liabilities now existing of said school districts numbered one, two, and three, respectively, of said city, whose legal successor the said board of education is declared to be.
Majority vote.	SEC. 11. The board of education of said city shall have the power and authority only by a majority vote of all the trustees elect to employ superintendents, teachers, janitors, and workmen, provide apparatus and scientific collections for illustrations, establish, locate, and maintain a high school, grammar, and primary schools, and generally do all things needful and desirable for the maintenance, prosperity, and success of the schools of said city and the promotion of the thorough education of the children thereof. Said board of education shall collect from the county treasurer, or other officer holding the same, all money appropriated for primary schools, to adopt by-laws and rules for their own procedure, and to make and enforce all needful rules and regulations for the control and management of the schools of said city.
Primary school money.	
By-laws, etc.	
Estimate of expenditures.	SEC. 12. Said board of education shall annually, on the second Monday in September, or within five days thereafter, make an estimate of the amount of taxes deemed necessary for the ensuing year, for all purposes of expenditure within the power of said board, which estimates shall specify the amounts required for the different objects of expenditure; and publish the same at least three days in some daily newspaper published in said city, or in Bay county; and such estimates shall be entered in the record of the proceedings of said board; and the secretary of said board of education shall, on or
To be published.	
Record of.	

before the first Monday in October in each year, make a written report of the amount of taxes so deemed necessary, and certify the same to the common council of said city for their approval. The common council may reduce said estimate but shall not increase the same, and the estimate so approved by the common council shall be certified to the comptroller of said city, who shall spread the same upon the regular "county tax-roll" of said city, and the same shall be levied, collected, and returned in the same manner as other taxes, except as in this act otherwise provided.

SEC. 13. Said board of education shall annually, at their first meeting in July, or as soon thereafter as may be, only by a majority vote of all the trustees elect, elect a treasurer and a superintendent of schools. The treasurer shall have the keeping of all school moneys, and shall pay the same out only upon the order of said board, signed by the secretary and countersigned by the president, which order shall show the object for which payment is required. Said treasurer shall give a bond to said board of education, with sufficient sureties, in an amount not less than double the amount of moneys likely to be in his hands as such treasurer during his term of office, to be approved by said board, for the faithful performance of the duties of his office, which bond shall be filed with the recorder of said city, and said board may require the treasurer to file new or additional bonds at any time. Either of said officers may be removed by a vote of a majority of the members elect of said board for incompetency or breach of duty, and such vacancy shall be filled only for the unexpired term. Said board shall cause a census to be taken annually of all the children between the ages of five and twenty years residing in the district within the time and in the manner required by law, and report the same and make and transmit all other necessary reports to the proper officers, as designated by law. For the purpose of the distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township.

SEC. 14. Said board shall be the board of school inspectors for the city of West Bay City, and as such shall report to the clerk of the county of Bay. No school inspector shall hereafter be elected within said city. All teachers employed by said board of education shall first be inspected by a committee of said board and the superintendent, and, if found qualified, shall receive a certificate in form prescribed by said board, which certificate shall entitle the recipient to teach in any of the schools of said district.

SEC. 15. The board shall annually publish in a newspaper of said city, or in Bay county, a statement of the number of schools in said city, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes.

SEC. 16. The city treasurer shall at any time, on the written request of the secretary of the board of education, report to him the amount of school moneys in his hands, and shall, on the order of the president and secretary of said board, pay to the treasurer of said board all such moneys, taking his receipt therefor, and also a

Treasurer and
superintendent
of board of
education.

Census.

School inspec-
tors.

Teachers, in-
spection of.

Certificate.

Number of
schools, teach-
ers, and pupils
to be published.

Expenditures

Treasurer to re-
port and to pay.

	duplicate which he shall file with the secretary of said board of education.
School tax.	SEC. 17. All school taxes which may be levied and assessed within said city shall be set forth in the county tax roll in a separate column from all other taxes, and designated as school tax.
May borrow \$2,000.	SEC. 18. The board of education may, from time to time, on such terms as they may deem proper, borrow money for temporary school purposes, not to exceed in all two thousand dollars in any one year, in anticipation of the taxes to be collected for school purposes that year, which amount shall be paid from the first school tax collected thereafter.
Any additional indebtedness must be voted by electors.	SEC. 19. It shall not be lawful for the board of education, except as herein otherwise provided, to borrow any money or authorize the creation of any additional liability or indebtedness unless such liability or indebtedness shall have been authorized by a vote of a majority of those who are qualified electors of the city under the school laws of the State at a special meeting called for that purpose, and such electors shall be notified of any proposition to be thus submitted to them by the secretary of the board of education, publishing a notice in pursuance of an order or resolution of said board, of the intention to thus submit such a proposition, in a newspaper published in said city, or in Bay county, and posting three copies of said notice in each of the said wards of said city at least ten days before such meeting. Said notice shall specify with particularity the amount proposed to be raised, or purposes for which it is proposed to raise money by incurring such liability or indebtedness: <i>Provided</i> , That the action of the electors aforesaid at such special meeting authorizing such loan shall be approved by the common council of said city, and the bonds of the city shall be issued and deposited with the treasurer of said board of education for the amounts proposed to be raised and drawing such rate of interest, not exceeding six per cent per annum, as said council may direct, which bonds shall not be valid until countersigned by the president and secretary of said board of education: <i>Provided also</i> , That no bonds issued under this act shall be sold at less than par.
Special meetings.	
Notice must be published and posted.	
To specify what.	
Proviso.	
Six per cent interest.	
Bonds to be signed by president and secretary; sold not less than par. Cannot be interested in contract or bondsman.	SEC. 20. No school trustee or officer of said board of education shall be directly or indirectly interested in any contract, as principal or surety, or otherwise, the expenses or consideration whereof are to be paid under any act or ordinance of such board of education, nor be surety nor bondsman on any contract or bond given to said board of education.
To continue in office.	SEC. 21. The officers of said school districts now numbered one, two, and three, respectively, of the city of West Bay City, shall continue in office and shall continue to discharge the duties of their respective offices until the said board of education is duly organized according to the provisions of this act: <i>Provided, however</i> , That all contracts made by or with said officers, or any or either of them or by or with the board of trustees of either of said districts now numbered one, two, and three of the city of West Bay City, after this act shall take effect shall cease and be null and void after the organization of said board of education as herein provided.
Contracts to be null and void.	

SEC. 22. The board of education of the city of West Bay City shall provide for and pay to the public schools of the township of Bangor their proportion of the unexpended funds or taxes collected by school districts now numbered one, two, and three of the city of West Bay City, on the second Monday in July, eighteen hundred and eighty-five, to be determined by the proportion that the assessed valuation of said township of Bangor as shown by the assessment roll for the year eighteen hundred and eighty-four bears to the whole valuation of the said township of Bangor and the city of West Bay City, and shall provide for and pay such further sum of money to the said public schools of the township of Bangor for their interest in the school property situated in said city of West Bay City, as they are justly and equitably entitled to. The board of education of the city of West Bay City, or a committee thereof, consisting of the president and four other members to be appointed by said board of education shall, on the first Monday in August, eighteen hundred and eighty-five, meet with the board of education of the township of Bangor, at the common council chambers in the city of West Bay City, and adjust all matters between said districts, and such adjustment shall be final: *Provided*, That if such meeting shall not be held upon said first Monday in August, then it shall be lawful for either of the said boards of said districts to give ten days' notice of such meeting to be held at said common council chamber, and this meeting shall be as valid as if the same had been held on the said first Monday in August: *Provided, further*, That if said boards fail to agree then all matters between said districts shall be adjusted in the manner prescribed by the general laws of the State.

Unexpended funds to be divided.

Interest in school property to be paid.

Boards to meet when, and to adjust all matters.

Provide.

Further proviso.

TITLE XVII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The common council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties and shall require them to submit to an examination under oath as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Sufficiency of sureties.

SEC. 2. The mayor or chairman of any committee or special committee of the common council, shall have power to administer an oath or take an affidavit in respect to any matter pending before the common council or such committee.

Power to administer oaths.

SEC. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall under such oath or affirmation in any statement, or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Perjury.

Double costs.

SEC. 4. If any suit shall be commenced against any person elected or appointed under this act to any office for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Corporate name.

SEC. 5. All process issued against said city, shall run against said city, in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or recorder of said city, at least twenty days before the day of appearance mentioned therein.

Style of ordinances.

Majority of all.

SEC. 6. The style of all ordinances shall be, "Be it ordained by the city of West Bay City." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected.

Malfeasance in office.

SEC. 7. If any officer of the corporation shall, directly or indirectly, and knowingly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, or any board thereof, to his own use, or shall directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and on conviction, may be punished by fine, not exceeding one thousand dollars, or by imprisonment in the State prison, for a period not exceeding three years, or both, in the discretion of the court.

Fine and imprisonment.

Safe keeping of public moneys.

Interest.

SEC. 8. The common council shall have power to contract with any bank, banks, banker, or bankers in said city, for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law, upon such moneys of the corporation, or in its custody, deposited with such bank, banks, banker, or bankers, and to be drawn on account current from such bank, banks, banker, or bankers, by said city, or proper officer thereof, and such interest shall belong, and be credited to the contingent fund of said city. And the common council may, by ordinance, or otherwise, make such rules and regulations, and prescribe such conditions relative to the letting of said contract, and drawing upon said moneys so deposited, and the securities to be given by such bank, banks, banker, or bankers, for the moneys so deposited, as to said common council may seem just, and for the best interest and security of said city.

Habitual drunkards, beggars, etc.

SEC. 9. All persons being habitual drunkards, destitute and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars, who shall apply for alms, or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables, or uninhabited dwellings, or in the open air,

and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad Vagrants. and begging, or who go about from door to door, or place themselves in streets, highways, or passages, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace of said Penalty. city, be sentenced to confinement in the county jail, or city penitentiary, for any time not exceeding sixty days.

SEC. 10. No property, supplies, or other articles, of whatever Property, supplies, etc. name or nature, shall be purchased for, or in behalf of the city, unless ordered by a vote of the common council, or with the written consent of the mayor, or recorder; the recorder shall keep a record Recorder, duties of. of all property purchased for the city, and shall charge the same to the officer, or department for whom the same was purchased, and receiving the same, and shall report annually, to the common council, on the last Monday in March, a detailed list, or statement of all such property, or supplies so purchased, and to whom delivered. It shall also be the duty of each and every officer, or Officers to report. employé of the city, to make a report annually, in writing, on the last Monday in March, of all property or effects in his hands belonging to the city, which several reports shall be referred to a committee of the council for examination. Any officer, or Misdemeanor. employé of the city, who shall fail or neglect to make the report provided in this section, shall be deemed guilty of a misdemeanor, and may be prosecuted, tried, and convicted therefor, according to law.

SEC. 11. Any person arrested by virtue of any process issuing City penitentiary. from any court of justice in said city, or by authority of any officer of said city, may be confined in the city penitentiary, in the same manner as prisoners are, or may be detained in the jail of Bay Jail. county; and any laws of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said prison: *Provided*, That Proviso. the common council, or mayor of said city, may, at any time, direct any or all such prisoners to be removed from said penitentiary to the jail of the county of Bay: *And provided also*, Such prisoners, Proviso. or any of them, may, at any time, in the first instance, be confined in the said county jail, whenever the same may be deemed necessary by the common council; and the keeper of said jail, or penitentiary, Compensation. shall be allowed such compensation for keeping and providing for prisoners confined therein, as the common council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors of Bay county for county prisoners.

SEC. 12. All the suits which may be brought to recover any Suits brought in name of. penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of West Bay City, under the direction of the common council, or of the attorney of Under the direction of whom. Judge, justice, or juror. said city; and no person being an inhabitant, freeman, or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice, or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this

provision of this act, or for the violation of any ordinance of the common council, nor for serving any process or summoning a jury in suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon taking or making any inquisition or assessment, or any judicial investigation of the facts, to which issue, inquest, or investigation the said city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city because he is an inhabitant thereof.

Appeal.

SEC. 13. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Bay, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of said city.

Bond.

Execution.

SEC. 14. Every execution for any penalty or forfeiture recovered for the violation of any provisions of this act, or for the violation of any by-law or ordinance of the said city, may be immediately issued on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary, for such time as shall have been directed by the ordinance of the common council.

Penalties, how applied.

SEC. 15. The common council may direct any moneys that may have been recovered for penalties or forfeitures to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suits for such penalties or forfeitures, or in conducting such suits.

Expenses of apprehending, etc., criminals.

SEC. 16. The expenses of apprehending, examining, and committing offenders against any law of this State, in said city, and of their confinement, shall be audited, allowed, and paid by the supervisors of the county of Bay, in the same manner as if such expenses had been incurred in any town of the said county.

Taxes due Wenona and Banks.

SEC. 17. All taxes now due, or which shall at the time of the passage of this act become due to the villages of Wenona and Banks, shall be considered as due to the city of West Bay City, and may be collected by the proper officers of said city in the manner provided in this act for the collection of city taxes, and property may be sold on such taxes, and deeds or transfers of title given in like manner as provided for in this act for the sale of personal property or real estate, and all property purchased for non-payment of said taxes by either of said villages is vested in said city, and the said city shall be the lawful successor of the said villages for all the purposes herein specified.

Tax deeds, recorder to issue.

SEC. 18. The recorder of said city of West Bay City is hereby empowered, under the direction of the common council thereof, to issue tax deeds in the name and in behalf of the said city, for all certificates of sale of lands heretofore issued by either of the late villages of Banks or Wenona, by reason of the non-payment of taxes due thereon and not having been paid to either of said late

villages, and said deeds when issued are hereby declared to be valid for all purposes, as though they had been issued by the proper officer of either of said late villages; the proceeds of such sale, when collected, to be by said recorder credited to the proper fund of the respective wards.

Proceeds, how credited.

SEC. 19. The corporation created by this act shall pay all the debts and obligations of the city of West Bay City, and all property, real and personal, choses in action and rights of all kind of said city, are hereby absolutely vested in the corporation created by this act.

Debts and obligations.

All property vested in.

SEC. 20. All suits instituted or commenced by or against the city of West Bay City, may be prosecuted to the end thereof for the benefit of the corporation formed by this act.

Suits.

SEC. 21. This act shall not invalidate any legal act done by the council of the city of West Bay City or any officer of said city now or heretofore in office, and all ordinances, by-laws, and regulations, resolutions, and rules of the common council shall remain in force until altered, amended, or repealed by the common council, or by this act.

Former acts not invalidated.

SEC. 22. After the incorporation of the city under and subject to the provisions of this act as aforesaid, the government and affairs of the former corporation shall continue and proceed as before, and all its members shall remain in office and exercise their powers and duties as such officers, except as herein otherwise provided. And in all cases where the council has ordered the construction of any sidewalk, the construction of any main or lateral sewer, the planking or paving of any street, the expense whereof is made a charge upon the property specially benefited thereby, and the tax or assessment roll for said local improvement shall not have been made out and approved prior to passage of this act, such tax or assessment roll shall be made out and completed, and all proceedings hereafter had thereunder shall be in pursuance of this act; and the action of the common council in vacating and setting aside the tax and assessment roll for any such local improvement heretofore set aside by the common council shall be deemed to have been valid and done in accordance with law; and the common council of said city is hereby empowered and authorized, from time to time, until a valid assessment is made, to cause a new assessment to be made for the purpose for which the original assessment was made, and in the manner provided for making new assessments in this act.

Government to continue as before.
Officers to remain in office.

Sidewalks, sewers, and paving, construction of.

Vacating tax.

New assessment.

SEC. 23. The first election of officers for the new corporation shall be held on the first Monday in April, eighteen hundred eighty-five, and the election held and conducted, the votes canvassed, the result determined, and notice given to persons elected in the same manner and within the same time as in annual elections of the former city corporation, and by the same persons and officers whose duty it was to perform the like services under the old corporation.

First election.

SEC. 24. All acts and parts of acts inconsistent with this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved April 1, 1885.

[No. 308.]

AN ACT to amend section number eight of act number two hundred fifty-one, session laws of eighteen hundred seventy-seven entitled "An act to amend sections two, three, four, five, six, seven, eight, nine, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two and thirty-six of an act entitled 'An act to incorporate the village of Leslie,' approved March thirtieth, eighteen hundred sixty-nine, as amended by act number two hundred fifty-eight of the session laws of eighteen hundred seventy-three, approved April eighteenth, eighteen hundred seventy-three, approved March fourteenth, eighteen hundred seventy-seven."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* section number eight of the session laws of eighteen hundred seventy-seven, entitled "An act to amend sections two, three, four, five, six, seven, eight, nine, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two and thirty-six of an act entitled 'An act to incorporate the village of Leslie,' approved March thirtieth, eighteen hundred sixty-nine, as amended by act number two hundred fifty-eight of the session laws of eighteen hundred seventy-three, approved April eighteenth, eighteen hundred seventy-three, approved March fourteenth, eighteen hundred seventy-seven," shall be and the same is hereby amended so as to read as follows:

Common coun-
cil, president of.

SEC. 8. The president and trustees, when assembled together, shall constitute the common council, and shall be vested with the legislative authority of said village. The president of the village shall be president of the common council and preside at the meetings thereof. In case of his absence the common council shall appoint one of their number president *pro tem.*, who shall preside at the meetings thereof and exercise all the powers and duties of president. The common council shall hold regular meetings for the transaction of business at such time as it shall prescribe, and not less than one shall be held in each month. The president or

One meeting
each month.

Special meeting.

any three trustees may appoint special meetings, notice of which, in writing, shall be given to each trustee or be left at his residence at least twenty-four hours before the meeting. All meetings of the common council shall be public. A majority of the common council shall make a quorum for the transaction of business, but a less number may adjourn from time to time. The common council may prescribe the rules of its own proceedings and keep a record thereof. No member of the common council, nor any officer of the corporation, shall be directly or indirectly interested in any contract made by or service to be performed for the corporation:

Meetings shall
be public.
Quorum.

Rules and
records.
Must not be
interested in
any contract.

Previseo.

Compensation.

Provided, That this act shall not prevent officers receiving compensation authorized by this act. The members of the common council shall each receive the sum of fifty cents for every meeting attended by them, which shall be in full for all official services performed by them: *Provided further*, That they shall not receive

pay for more than forty meetings in one year: *Provided further,* Further proviso. President to be assessor and member of the board of supervisors, compensation as such. That the president of said village, in addition to the duties of village assessor imposed upon him under the provisions of the act to which this act is amendatory, shall, *ex officio*, also be a member of the board of supervisors of the county of Ingham, and he shall attend all of the meetings of said board and be entitled to vote upon all matters that may be brought before the board of supervisors; and for attending all such meetings he shall receive the same compensation authorized by law to be paid to township supervisors for similar services, to be audited by the board and paid by the county.

Ordered to take immediate effect.

Approved April 2, 1885.

[No. 309.]

AN ACT to amend sections one and two of title nine of an act entitled an "Act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids," approved April second, eighteen hundred and fifty, as amended by the several acts amendatory thereof, approved March twenty-nine, eighteen hundred and seventy-seven, as amended by act number three hundred and seventy-nine of the session laws of eighteen hundred and seventy-nine, approved May twenty-third, eighteen hundred and seventy-nine, as amended by act number three hundred and sixty-five of the session laws of eighteen hundred and eighty-one, approved April twenty-ninth, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact,* That Act amended. sections one and two of title nine, of an act entitled "An act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids," approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof, approved March twenty-nine, eighteen hundred and seventy-seven, as amended by act number three hundred and seventy-nine of the session laws of eighteen hundred and seventy-nine, approved May twenty-third, eighteen hundred and seventy-nine, as amended by act number three hundred and sixty-five of the session laws of eighteen hundred and eighty-one, approved April twenty-nine, eighteen hundred and eighty-one, be and the same are hereby amended so as to read as follows:

SEC. 1. It shall be the duty of the common council of said city Board of health. on the first Monday in May, in the year eighteen hundred and eighty-one, or as soon thereafter as may be, to appoint on the nomination of the mayor, in the same manner as other officers are appointed by the council, a board of health for said city, to consist of three members, and the city physician shall be the health officer thereof, and as such shall perform such duties as shall be prescribed by the board of health, and receive such compensation as

shall be prescribed by the common council. Of said board so appointed one member shall hold his office for the term of one year, one member for the term of two years, and one member for the term of three years, and thereafter in each year at the time aforesaid a member of said board shall be appointed in the manner aforesaid to take the place of the member whose term of office expires, who shall hold his office for the term of three years.

Power and
duties of.

SEC. 2. The board of health shall have power and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city. To stop and detain and examine for the purpose every person coming from any place infected or believed to be infected with such disease. To establish, maintain, and regulate a suitable pest-house or hospital at some place within the city, or not exceeding three miles beyond its bounds. To cause any person who may be infected with any contagious disease within the limits of the city to be removed to the hospital if in the opinion of the health physician and one other practising physician in good standing, and a member of the board of health, such removal is necessary for the preservation of the public health: *Provided, however,* That the removal can be made with safety to the infected person. To remove from the city, or destroy any furniture, wearing apparel, or goods, wares, or merchandise, or other articles or property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be likely to pass into such a state as to generate and propagate disease, upon paying for the same the full value thereof. To abate all nuisances of every description which are or may be injurious to the public health in any way, and in any manner they may deem expedient, and from time to time do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of the public health and the suppression of disease in the city and to carry into effect and execute the powers hereby granted. Any member of the board of health and health officer shall have full police powers in matters appertaining or belonging to their department, and shall have power and it shall be their duty to arrest all persons at sight who are in the act of violating any of the health ordinances of the city of Grand Rapids. Any violations of the regulations or ordinances so made and passed shall be a misdemeanor, punishable by a fine or imprisonment, or both, the fine not to exceed five hundred dollars, or imprisonment not to exceed one year in the Kent county jail or Ionia House of Correction. No regulation or ordinance imposing a penalty shall take effect until after the expiration of at least three days after the first publication thereof in the official newspapers published in said city. Such board of health shall annually report to the State board of health the same as local boards of health are now required by law to report.

Proviso.

Violation of
ordinances a
misdemeanor.

To report to
State board of
health.

Ordered to take immediate effect.

Approved April 2, 1885.

[No. 310.]

AN ACT to change the name of Mabel E. Wilber to Mabel E. Cook.

SECTION 1. *The People of the State of Michigan enact*, That the Name changed. name of Mabel E. Wilber, of Ionia county, be and is hereby changed to Mabel E. Cook.

Ordered to take immediate effect.

Approved April 2, 1885.

[No. 311.]

AN ACT to incorporate the village of Attica, Lapeer county.

SECTION 1. *The People of the State of Michigan enact*, That Territory incorporated. all that certain tract or parcel of land lying and being in the township of Attica, county of Lapeer, and State of Michigan, to wit: The east half of the east half of the east half of section sixteen, the east half of the southeast quarter of the southeast quarter of section nine, the south half of the southwest quarter and west half of west half of the southwest quarter of the southeast quarter of section ten, also west half of the east half of the west half of the southwest quarter of the southeast quarter of section ten, the west half of the west half of the northwest quarter of the northeast quarter, the west half of the east half of the west half of the northwest quarter of the northeast quarter, the north half of the northwest quarter, the west half of the southwest quarter of the northwest quarter, and west half of the west half of the southwest quarter of section fifteen, town seven north, of range eleven east, being situated in township seven north, range eleven east, is hereby constituted a village corporate, known and designated as the village of Attica.

SEC. 2. The first election of officers for said village shall be held First election. on the second Monday in April, in the year eighteen hundred and eighty-five, at the town hall in said village.

SEC. 3. Isaac N. Jenness, Anthony Williams, and Daniel West Board of registration to meet when. are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the town hall in said village, on the Saturday preceding the second Monday in April, in the year one thousand eight hundred and eighty-five aforesaid, to register the names of all persons, residents of said village presenting themselves for registration, having the qualification of voters at annual township meetings. And said board of registration shall hold its subsequent meetings on the Saturday next preceding the second Monday of March.

SEC. 4. Notice of said first election of officers for said village Notice of election. shall be posted in three of the most public places in said village, at least eight days before the time of said election, which notice shall be signed by any five electors in said village.

Powers and duties.

SEC. 5. The said village of Attica shall, in all things not herein otherwise provided, be governed by, and its powers and duties defined by act number sixty-two, of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Election may be held at other than time appointed.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be had at any time within one year from the time designated in section two of this act, on notice being given as provided by section four of this act.

SEC. 7. This act shall take immediate effect.

Approved April 2, 1885.

[No. 312.]

AN ACT to incorporate the village of Brockway Center, in the county of St. Clair.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: All of the southeast quarter of section ten, the southwest quarter of section eleven, the northwest quarter of section fourteen, and the northeast quarter of section fifteen, town number eight north, of range number fourteen east, township of Brockway, county of St. Clair, and State of Michigan, be and the same is hereby constituted a village incorporate, to be known as the village of Brockway Center.

First election.

SEC. 2. The first election of officers of said village shall be held on the third Monday in April, in the year eighteen hundred and eighty-five, in Duffie's hall in said village.

Board of registration.

SEC. 3. John D. Jones, John W. Lamon, and James Brown are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at Duffie's hall, in said village, on the Friday and Saturday preceding the third Monday in April, in the year eighteen hundred and eighty-five, and register the names of all persons residents of said village presenting themselves for registration having the qualification of voters at annual township meetings. Notice of the time and of such registration shall be posted in three of the most public places in said village by said board, at least eight days previous to such registration.

Notice of registration.**Notice of election.**

SEC. 4. Notice of said first election of officers shall be posted in three of the most public places in said village at least ten days before the time of said election, which notice may be signed by any five freeholders in said village.

Powers and duties.

SEC. 5. The said village of Brockway Center, in all things not herein otherwise provided, shall be governed by, and its powers and duties defined by an act entitled, "An act granting and defining

the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto, except as hereinafter provided, limiting the power of the council of said village to raise money by general tax.

SEC. 6. The council of said village shall have authority to raise by general tax upon all the real and personal property liable to taxation in said village (exclusive of taxes for highway and street purposes) such sum not exceeding one-half of one per cent of the assessed valuation of such property as they shall deem necessary for the purpose of defraying the general expenses and liabilities of the corporation and to carry into effect the powers conferred upon it by this act: *Provided*, That said council may raise by like general tax an additional sum not exceeding one-half of one per cent of such assessed valuation after being authorized so to do by a vote of a two-thirds majority of the electors of said village, voting at a special election held for that purpose.

May raise not to exceed one-half of one per cent.

Proviso.

SEC. 7. This act shall take immediate effect.

Approved April 2, 1885.

[No. 313.]

AN ACT to amend an act entitled "An act to revise an act entitled 'an act to incorporate the board of education of the city of East Saginaw,'" and all acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact*, That sections ten (10), fifteen (15), and sixteen (16), of act number four hundred and twenty-six (426) of the session laws of eighteen hundred sixty-nine, entitled "An act to revise an act entitled 'an act to incorporate the board of education of the city of East Saginaw,'" and the several acts amendatory thereto, approved April third (3d) eighteen hundred sixty-nine, be and the same are hereby revised and amended so as to read as follows:

Sections amended.

SEC. 10. Said board shall, in the month of April in each year, determine by resolution passed by a vote of a majority of all the members of said board, at any regular meeting, the sum or sums necessary and proper for any or all of the following purposes:

Board of education to determine appropriations.

First, To lease, alter, repair, and improve school-houses and their out-houses, grounds, and appurtenances;

Second, To purchase, exchange, repair and improve school apparatus, books, furniture, appendages, fixtures, text-books, and all other school supplies used in the public schools, and that said text-books and supplies shall be loaned to the pupils of the said public schools free of charge, subject to such rules and regulations as to care and custody as the said board may prescribe: *Provided*, That the pupils supplied with text-books at the time of the opening of the said schools in the September next succeeding any appropriation made for text-books, shall not be supplied with similar books by the board until needed;

Third, To procure fuel and lights and defray all the necessary contingent expenses of said board;

Fourth, To defray the expenses of and purchase books for the district library of said city, not to exceed in the aggregate the sum of one thousand dollars in any one year ;

Fifth, To pay the salaries and wages of the superintendents and teachers after the application of the public moneys which may be by law appropriated and provided for that purpose: *Provided*, That the sums so authorized shall not exceed in the aggregate, in any one year, the sum of one per cent of the valuation of said city as taken from the annual assessment roll of the preceding year.

City treasurer,
bond.

SEC. 15. The city treasurer of said city of East Saginaw shall, before he enters upon the duties of his office, be required to enter into such bonds and with such sureties as said board of education may require, conditioned for the faithful discharge of his duties and the paying over of all school moneys received by him by virtue of this act.

Evidences of
debt cannot be
received for
taxes.

SEC. 16. The city treasurer of said city, or other person collecting the taxes for ordinary city purposes, is required to collect said tax in money, and shall not be authorized or permitted to receive in payment of said taxes any liabilities or evidence of debt against said city.

Section
repealed.

SEC. 2. Section fourteen (14) of said act is hereby repealed.

Ordered to take immediate effect.

Approved April 2, 1885.

[No. 314.]

AN ACT to incorporate the public schools of the township of Bangor, Bay county.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the territory enclosed within the township of Bangor, in the county of Bay, and all contiguous territory which may hereafter be added thereto, be and the same is hereby declared to be a single school district, which shall be a body corporate by the name and style of "The Public schools of the township of Bangor," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts under the general laws and all schools in said district and all schools hereafter organized in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof, above the age of five years.

School free to
residents.

Board of educa-
tion.

SEC. 2. The officers of said district shall consist of four trustees, who shall constitute the board of education of said district, and whose terms of office shall be two years each and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township election of the township of Bangor

upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That at the annual election to be held in said township, in the year one thousand eight hundred and eighty-five there shall be elected four trustees of said district by the electors thereof; two of whom shall hold their office for the term of one year, and the other two for the term of two years and until their successors shall be elected and qualified; and the term for which the person voted for is intended shall be designated on the ballot; and at each annual election thereafter to be held two trustees shall be elected in said district who shall hold their offices for the term of two years and until their successors shall be elected and qualified. Said trustees to be designated on the ticket or ballot, "For member of board of education."

SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within ten days thereafter said trustees so elected shall take and subscribe the constitutional oath of office before the township clerk or some other officer authorized to administer oaths, and file the same with said township clerk, who shall record the same in the record of the proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time on or before the expiration of fifteen days from their election take and subscribe said oath of office and file the same as hereinbefore prescribed, and the term of office of said trustees of said district shall commence on the second Monday in July following the annual township election at which they are elected.

Township clerk,
duties of.

Trustees, oath
of office.

Proviso.

Term of office,
when to com-
mence.

SEC. 4. The township clerk of said township of Bangor shall be, *ex officio*, clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein; and in case of the absence of said clerk the board may, by resolution, choose some suitable person to perform such duties.

Township clerk,
duties of.

SEC. 5. The said trustees shall meet on the second Monday in July in each year at the township clerk's office, and organize by electing one of their number treasurer and one of their number president, who shall severally hold their offices for one year and until their successors are elected and qualified, and may at any time fill, by a new election, any vacancy that may occur in either of said offices. And said board shall also have the power to fill any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office as prescribed in section three of this act.

Trustees, when
and where to
organize.

Vacancy in
board may be
filled, oath of
office.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the second Monday in July, December, and March in each year, and no notice of such meetings of said board shall be required, and the president and clerk or any two members of said board shall be sufficient to adjourn any meeting from time to time until a

Quorum, regu-
lar meetings of
board.

Adjournments.

Special meetings.	quorum be present, and special meetings of said board may be called at any time on the request of the president or two members of said board in writing delivered to the clerk; and the clerk, upon receiving such request, shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of the board, and all records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any tax-payer of said district.
Place of meeting. Records and papers of district.	
Board of school inspectors.	SEC. 7. The said board shall be the board of school inspectors for said district, and shall, as such, report to the clerk of the county of Bay.
To annually report.	SEC. 8. The said board shall annually, on the second Monday in March in each year, make a detailed statement of the number of said schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of the said township of Bangor at their annual township meeting on the first Monday of April thereafter, at the hour of twelve o'clock noon.
Treasurer's report.	SEC. 9. The treasurer of the township of Bangor shall, at any time, at the written request of said board of education, report to the said clerk the amount of school moneys in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt, which he shall file with the clerk of said board.
School taxes.	SEC. 10. All taxes assessed within said township of Bangor for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes. The compensation of the trustees of said district shall be one dollar and fifty cents for each day's actual services rendered for said district, and the clerk of said board may receive such compensation for his services as said board may determine, not exceeding one hundred dollars per annum.
Compensation of trustees and clerk.	
Board of education, its powers and authority.	SEC. 11. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish same, employ teachers, provide books for district library, to make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers, as designated by law, so that said district may be entitled to its proportionate share of the primary school funds; and said board shall have lawful authority to make all needful regulations and by-laws relative to visitation of schools; relative to the length of time school shall be kept, which shall be not less than three months in the year; relative to the regulation of schools and the books to

be used therein; and generally to do all things needful and desirable for the maintenance, prosperity, and success of the schools of said district, and the promotion of the thorough education of the children thereof; and it shall be the duty of said board to apply for and receive from the county treasurer, or other officer holding the same, all moneys appropriated for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary.

SEC. 12. The board of education shall, at their regular meeting on the second Monday in July in each year, make an estimate of the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditure, within the powers of said board, which estimate shall specify the amounts required for the different objects of expenditure, and such estimate shall be entered in the record of proceedings of said board, and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes so deemed necessary and certify the same to the supervisor of said township of Bangor, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting school-houses no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said district shall be levied in any one year.

Estimate of money to be raised.

Where to be entered.

Report of clerk.

Maximum to be raised five mills.

SEC. 13. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of said board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall before entering upon the duties of his office, give a bond to said district in such sum and sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Treasurer of school board.

His bond.

SEC. 14. That all the school property, real and personal, within the limits of said township of Bangor heretofore belonging to school districts now numbered one, two, and three, respectively, of the city of West Bay City shall, by force of this act, become the property of said public schools of the township of Bangor hereby organized, and the said public schools of the township of Bangor shall be entitled to receive from the board of education of the city of West Bay City their proportion of the unexpended funds or taxes collected by said school districts now numbered one, two, and three, respectively, of the city of West Bay City, on the second Monday in July, in the year of our Lord, eighteen hundred and eighty-five, to be determined by the proportion, that the assessed valuation of said township of Bangor as shown by the assessment roll for the year eighteen hundred and eighty-four bears to the whole valuation of the city of West Bay City, and shall be entitled to receive such further sum of money from the board of education of the city of West Bay City for their interest in the public school property situate within the limits of the city of West Bay City as they are justly and equit-

School property.

Unexpended funds divided proportionately.

Share of public school property in money.

Boards to adjust all claims, to meet when.

May meet at other than time fixed.

If boards fail to agree, claims adjusted under general laws.

ably entitled to. The board of education of the township of Bangor shall on the first Monday in August, eighteen hundred and eighty-five, meet with the board of education of the city of West Bay City or a committee thereof, at the common council chamber in the city of West Bay City and adjust all matters between said districts, and such adjustment shall be final: *Provided*, That if such meeting shall not be held upon said first Monday in August then it shall be lawful for either of said boards of said districts to give ten days' notice of such meeting at said common council chamber, and this meeting shall be as valid as if the same had been held upon said first Monday in August. If said boards fail to agree then all matters between said districts shall be adjusted in the manner prescribed by the general law of the State.

Ordered to take immediate effect.

Approved April 2, 1885.

[No. 315.]

AN ACT to amend sections seven, eight, eleven, twelve, fourteen, twenty-six, twenty-nine, thirty, forty-two, forty-three, fifty-six, fifty-seven, fifty-nine, sixty, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-three, one hundred and fifty-four and one hundred and fifty-nine of act number two hundred and ninety-eight of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and amend the charter of the city of Muskegon, being amendatory of an act entitled 'An act to revise and amend an act entitled an act to incorporate the city of Muskegon,' approved March twenty-ninth, eighteen hundred and seventy-one," approved April first, eighteen hundred and seventy-five, as amended by act number three hundred and twenty-seven of the session laws of eighteen hundred and eighty-three, approved June eighth, eighteen hundred and eighty-three.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seven, eight, eleven, twelve, fourteen, twenty-six, twenty-nine, thirty, forty-two, forty-three, fifty-six, fifty-seven, fifty-nine, sixty, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-three, one hundred and fifty-four and one hundred and fifty-nine of act number two hundred and ninety-eight of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and amend the charter of the city of Muskegon, being amendatory of an act entitled 'An act to, revise and amend an act entitled an act to incorporate the city of Muskegon,' approved March twenty-ninth, eighteen hundred and seventy-one," approved April first, eighteen hundred and seventy-five, as amended by act number three hundred and twenty-seven of the session laws of eighteen hundred and eighty-three, approved

June eighth, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows:

SEC. 7. Whenever a vacancy shall occur in the office of mayor, recorder, or alderman six months prior to the first Monday of April in any year, a special election shall be held to fill such vacancy, and if a vacancy shall occur in any such office more than three months and less than six months prior to the first Monday of April in any year, a special election may be ordered by the common council to fill such vacancy, and whenever such special election shall be held, the common council shall cause to be delivered to the inspectors of election in each supervisor district who shall be authorized to canvass votes for the filling of such vacancy, a notice signed by the recorder or acting recorder specifying the officer to be chosen and the day and place at which such special election shall be held, not more than ten and not less than five days prior to the time of holding such election, and within the same time shall cause notice of such election, to be printed at least once in each daily and weekly newspaper printed in said city, and the proceedings at such special election shall be the same as at the annual city election.

SEC. 8. The officers of said city shall be one mayor, one treasurer, one recorder, and four justices of the peace, who shall be designated city officers; also two aldermen and one constable in each ward, who shall be designated ward officers; also one supervisor in each supervisor district, who shall be designated supervisor district officers. Said officers shall be elected as follows, to wit: The mayor, treasurer, supervisors, assessor and constables shall be elected annually, and shall hold their offices one year, and until their successors shall be elected and qualified. The recorder, directors of the poor, and aldermen shall hold their respective offices for two years, and until their successors shall be elected and qualified. At each annual election there shall be elected one justice of the peace for the term of four years, and such a number of justices of the peace as may be necessary to fill the vacancies then existing. At each annual election there shall be elected in and for the said several supervisor districts in said city, one supervisor, who shall hold his office for the term of one year, and until his successor shall be elected and qualified, and one alderman in each ward, who shall hold his office for the term of two years, and until his successor shall be elected and qualified: *Provided*, That no person elected to fill a vacancy shall hold any office provided for in this act for a longer time than during such unexpired term, unless again elected.

SEC. 11. The mayor, when present, shall preside at the meetings of the common council, and in his absence the president *pro tem.* shall preside; but if both mayor and president *pro tem.* be absent, then the common council shall appoint one of their number to preside. The common council, at the first meeting in the month of May in each year, or as soon thereafter as may be, shall elect one of the aldermen of said city president *pro tem.* of said council, who shall hold said office one year, unless the term of office of said alderman shall sooner become vacant.

SEC. 12. The recorder shall be clerk of the common council, and

Recorder, duties of. he shall give bonds for the faithful performance of his duties in such sums as the common council shall by ordinance direct, and shall keep a record of their proceedings in proper books provided therefor, and shall open and keep books of account and such other books of receipts and expenditures as the common council may direct, and in such form and manner as they may order. He shall, at the first regular meeting of the common council in each month, make a report to it of the condition of the city's finances, and of the amount of moneys collected or received by him. He shall have such powers and perform for the city all such duties as township clerks have and are required by law to perform for the several townships. The recorder shall by virtue of his office be authorized to take acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, and may affix to any official certificate the seal of said city.

Authorized to take acknowledgments and administer oaths.

Officers neglecting to give bonds to be reported.

SEC. 14. The recorder shall report to the common council the names of such officers as shall have neglected to give the bond or security required by the provisions of this act at the next regular meeting after the time provided by law for the filing of such security shall have elapsed.

Salaries of corporation officers.

SEC. 26. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be entitled to receive an annual salary of one dollar; the recorder shall receive such sum as the common council may allow, not exceeding fifteen hundred dollars per annum, which sum shall be in full compensation for all services rendered by him as such recorder, and he shall collect and pay into the city treasury all fees provided by law for the filing of papers and for other services rendered in his office; the city attorney shall receive such sum as the common council may allow, not exceeding one thousand dollars per annum; the marshal shall receive such compensation as the common council may allow, not exceeding the sum of one thousand dollars per annum, which shall be in full for all services rendered by him, and he shall be allowed no fees for service of process of any kind; the treasurer shall receive such fees as are allowed by law to township treasurers; the police justice shall receive such sum as the common council may allow, not exceeding six hundred dollars per annum, which sum shall be in full compensation for all services rendered by him as police justice; but he shall continue to collect such fees as are by law provided for services of police justice, which fees shall belong to said city and shall be paid into its treasury in the manner provided for by law; the supervisors, justices of the peace, and constables shall be allowed the same fees as by law are allowed to corresponding officers of townships, unless in this act otherwise provided; the street commissioner shall receive a per diem allowance to be determined by the common council, but in no case to exceed three dollars per day for his services, and at the same rate for parts of days actually employed; the directors of the poor shall receive such sum as the common council shall allow, not exceeding thirty dollars per month each; the aldermen shall not be allowed to receive more than fifty

dollars each in any year as compensation for their services. The common council shall determine the fees and salary of the commissioners, assessors, or other officers, an election or appointment of whom is provided in this act, whose fees or salary is not herein otherwise provided.

SEC. 29. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except aldermen and justices of the peace, the common council may, except as herein otherwise provided, in their discretion, fill such vacancy by the appointment of a suitable person who is an elector of the district which he may be appointed to represent. An officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the tenth day after the election next succeeding, or until his successor is elected and qualified; if an elective office which shall have become vacant is of that class whose term of office continues after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Vacancy in office, how filled.

SEC. 30. The mayor and aldermen of said city shall constitute the common council. They shall meet such times and places as they shall from time to time appoint, and on special occasions whenever the mayor, or, in case of a vacancy in the office of the mayor, or of his absence from the city or inability to act, the president *pro tem.* shall by written notice appoint; which notice shall be served on the members for such time as the common council may by ordinance direct.

Common council composed of whom, time and place of meeting.

SEC. 42. Between the fifteenth day of April and the first day of May, of each year, or whenever a vacancy shall occur, the mayor shall nominate a suitable person to fill each of the following offices: One marshal, one street commissioner, one city attorney, one city physician, one police justice, one chief engineer of the fire department, one city surveyor, one [city] harbor-master, and two directors of the poor; also as many policemen, pound-masters, inspectors of firewood, sealers of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted as the common council may, from time to time, direct. The common council, a quorum being present, shall thereupon proceed to act upon such nominations respectively in the manner following: The mayor, if presiding, shall vacate the chair, the president *pro tem.* shall occupy the same. A vote shall then be taken on each of said nominations, and the person receiving the votes of a majority of the aldermen elected shall thereupon be declared duly appointed; those not receiving such votes shall be declared rejected. The mayor may then submit the names of other persons to the common council to fill the vacancies thus occasioned by such rejections, whereupon the same proceedings shall be had to confirm as aforesaid, until such vacancies are filled. Such officers shall hold their respective offices until the first day of May of the year next thereafter, unless such offices are removed or suspended, or unless such offices become otherwise vacant as provided in this act. The mayor may suspend or remove any of the officers named in this section for good cause upon filing a state-

Appointments to office to be made by the mayor, when.

Common council to confirm.

Mayor may remove officers.

ment of his reason or reasons for so doing in the office of the recorder.

Finances, build-
ings, etc., under
control of coun-
cil.

By-laws and
regulations.

SEC. 43. The common council, in addition to the powers and duties conferred upon them by this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary, excepting as provided in this act. And further, they shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they deem advisable within said city, for the following purposes:

First, To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of the city; to prevent and quell riots, disturbances, and disorderly assemblages;

Second, To restrain and prevent disorderly and gaming houses, and houses of ill-fame; to destroy all instruments and devices used for gaming; to prohibit all gaming and fraudulent devices; and to license, regulate, or restrain billiard tables or bowling alleys;

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State; to provide for and require the closing of saloons, restaurants, and other places where intoxicating liquors are sold, on Sunday and at such other days and times as the common council may by ordinance determine; and to prohibit, restrain, and regulate the sale of goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

Fourth, To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances or exhibitions for money;

Fifth, To abate and remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place to cleanse, abate, or remove the same from time to time as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city;

Sixth, To direct the location of all slaughter-houses, markets, and buildings for the storing of gunpowder and other combustible and explosive substances;

Seventh, To regulate, restrain, and prohibit the buying, carrying, and selling of gunpowder, fire-crackers, or fireworks manufactured and prepared therefrom, or other combustible materials, the exhibition of fireworks and the discharge of fire-arms, and lights in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards;

Eighth, To prevent the incumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves, or slips in any manner whatever, and to regulate and provide for the anchorage,

movement, shifting, and removal of any or all water crafts being ^{Idem.} and lying in the Muskegon lake or river, or in front of or in any dock, wharf, or slip in said city;

Ninth, To determine and designate the route and grades of any railroads to be built in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city: *Provided*, Such designation or determination shall not affect the right or claim of any persons for damages sustained in consequence of the building of such railroad: *Provided further*, That no person or persons, or corporations, shall build any railroad track intended for the passage of locomotive engines, or run, or cause to be run, any locomotive engine on any track, any part of which track shall be nearer than twenty rods of any part of any lot or block occupied for the purpose of the union or any ward school of the said city of Muskegon;

Tenth, To prohibit or regulate bathing in any public waters, or in any open or conspicuous place, or any indecent exposure of the person in the city;

Eleventh, To restrain and punish drunkards, vagrants, mendicants, tramps, and street beggars;

Twelfth, To establish one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;

Thirteenth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses, and to authorize the killing of all dogs not so licensed, and to regulate and prevent the running at large of dogs;

Fourteenth, To prohibit any person from bringing or depositing within the limits of said city, any dead carcasses or other unwholesome or offensive substances, and to require the removal and destruction thereof, if any person shall have on his premises such substances or any putrid meats, fish, hides, or skins of any kind, and on his default, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;

Fifteenth, To compel all persons to build sidewalks in front of premises owned or occupied by them; to keep the same in repair and clear from snow, ice, dirt, wood, or obstructions;

Sixteenth, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Seventeenth, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;

Eighteenth, To prohibit, restrain, or regulate, within such parts of the city as they may deem expedient, the building, re-building, enlarging, repairing, or placing of wooden buildings therein; to prohibit, restrain, or regulate the erection of any mill or other building of a combustible nature, that is being erected or intended to be erected in such a locality or manner as to endanger the safety of

By-laws and regulations.

said city; to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to compel such buildings to be erected upon such lines by fines upon the owner or builder thereof, not exceeding five hundred dollars;

Nineteenth, To provide for obtaining, holding, regulating, and managing burying grounds within or without the city when established for the benefit thereof; to regulate the burial of the dead, and to compel the keeping and return of the bills of mortality;

Twentieth, To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street;

Twenty-first, To establish, order, and regulate the markets; to regulate the vending of wood, hay, meat, vegetables, fruit, fish, and provisions of all kinds; to prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious, or adulterated wines, spirituous liquors, or beer, or knowingly keeping or offering the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twenty-second, To establish, regulate, and preserve public reservoirs, well, penstocks, and pumps, and to prevent the waste of water; to authorize and empower, under such regulations and under such terms and conditions as they may choose, the laying of water-pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water, and to regulate the supply and use of the water;

Twenty-third, To establish, operate, and maintain water-works within said city for a protection against fire, and the supplying of the inhabitants with water, and to regulate the supply and use of the water;

Twenty-fourth, To prescribe rules to govern sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney-sweeps, and their fees and compensation; to make regulations for preventing auctions, peddling, vending, or pawn-brokerage, or using for hire carts, drays, cabs, hacks, carriages, or vehicles of any kind, or opening or keeping any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food, or drink, or billiard tables, ball-alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages and vehicles kept for use or hire, auctioneers, peddlers, pawn-brokers, auctions, peddling, pawn-brokerage, taverns, hotels, victualing houses, saloons, or other houses or places for furnishing meals, food, or drink, and keepers of billiard tables and ball-alleys not used for gaming: *Provided*, That no such license shall authorize the sale of any spirituous or malt liquors;

Twenty-fifth, To regulate or prevent runners, stage-drivers, and Idem. others in soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or go to any hotel, or otherwise;

Twenty-sixth, To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

Twenty-seventh, To make regulations for the lighting of the streets and alleys and the protection and safety of public lamps;

Twenty-eighth, To prescribe the duties of all officers appointed by the common council, and their compensation, excepting as herein otherwise provided, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-ninth, To preserve the salubrity of the waters of Muskegon lake and river, or other waters within the limits of the city; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of said river within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof and to remove all obstructions that may at any time occur therein and to direct and regulate the stationing, enclosing, and mooring of vessels, and laying out of cargoes and ballast from the same; to fill up all low grounds, the lots covered or partially covered with water, or to drain the same as they may deem expedient; to regulate the cutting of ice in Muskegon lake;

Thirtieth, To prescribe and designate the stands for carriages of all kinds, which carry passengers for hire, and carts and carters and to prescribe the rates of fare and charges, and the stand and stands for wood, hay, and produce exposed for sale in said city;

Thirty-first, To provide for the census of the inhabitants of said city whenever they see fit, and to direct and regulate the same;

Thirty-second, To establish a grade for streets and sidewalks and to cause the same to be constructed in accordance with the same;

Thirty-third, They shall have authority to enact all ordinances and make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of said city, and the general welfare of the inhabitants thereof, and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid.

SEC. 56. Annually after the year one thousand eight hundred and seventy-five, the common council at their first meeting in May, or within ten days thereafter, shall appoint, as hereinbefore provided, to membership in said board of water commissioners, one or more persons, as the case may require, to serve for the period of three years, or until their successors are appointed and qualified, in place

Member of the board of water commissioners, by whom and when appointed.

of those whose term of office will then expire. Vacancies occurring in said board from any cause may be filled for the unexpired term by the common council.

Contingent and
interest fund.

SEC. 57. It shall be the duty of the common council, on or before the last Saturday of October in each year to determine by resolution the amount necessary to be raised by tax for city purposes within said city for said year, to be denominated the contingent fund, and also the amount necessary to be raised for the payment of the public debt of the city and the interest thereon, to be denominated the interest fund, and within five days the recorder shall notify the assessor of said city of the amount to be levied upon the property in said city; and it is hereby made the duty of the assessor of said city to levy the amount so determined by the common council, and such other taxes as may be required by law upon the taxable property of said city in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State, except as herein otherwise provided.

Necessary tax,
not exceeding
three per cent.

SEC. 59. The common council shall have authority to levy, assess and collect taxes upon all the real and personal estate taxable in said city, in such amount each year as may be necessary to defray the ordinary expenses of the city government, to pay the public debt of said city and the interest thereon, including the support of the public schools of said city, the maintenance of the city poor, the support of the police and fire department, expenses of the board of health, the care and maintenance of water-works, streets and highways, subject to restrictions contained in this act: *Provided*, That the amount of such tax shall not exceed three per cent on the value of such real and personal property within said city, according to the valuation thereof taken from the assessment roll of the preceding year.

Provide.

Review board,
clerk of.

SEC. 60. The supervisors and assessor of said city shall constitute a board for the correction and revision of the assessment roll thereof, of which board the recorder shall be clerk; and in case of a tie vote on any question that may arise before said board, he shall have the casting vote. In case of a vacancy in the office of recorder, or his inability to attend, said board may choose some competent person to act as clerk *pro tem*. It shall be the duty of said board to meet as soon as may be after the completion of the assessment, and before the fifteenth day of August in each year, at the common council room, and it shall remain in session six hours each day for at least five successive days. Of such meeting the recorder shall give ten days' previous notice, by publication in each of the public newspapers printed in said city, and by posting said notice in three of the most public places in each supervisor district. Said board is hereby authorized to revise and alter and correct the said assessment roll in such manner as may be determined, according to the facts as it shall be made to appear before it by satisfactory testimony; and for that purpose said board may add to said roll any description of property, real or personal, taxable in the city of Muskegon on the second Monday of April in said year as does not appear thereon; upon like satisfactory testimony may strike from

Board to meet
when.

Notice.

said roll any property not legally thereon, and may make such other alterations and corrections as may be necessary and proper in order to perfect a just and true appraisal and valuation of the real and personal property of said city, which alteration and correction may be made at the request of any person considering himself aggrieved, upon satisfactory cause being shown or at the suggestion of the members of said board: *Provided*, The aggregate valuation of the property assessed on said roll shall not be increased or diminished, except so far as the change in single or individual assessments may affect the same, without the consent of two-thirds of said board. Said board may make a new roll whenever they may deem the same necessary, embracing such alterations and corrections as may have been adopted by said board at said meeting. It shall be the duty of said recorder to attach his certificate to said assessment roll, showing that the same has been duly revised and corrected; and said roll or any new roll that may have been made by the order of the board shall be and remain the assessment roll of said city for the purposes mentioned in this act: *Provided*, That in all cases where the said board shall add to or strike from said roll any property as aforesaid, said board shall make and file with the recorder a copy of the testimony and of the votes taken in each case, and its determination on each case as the records of said board in the premises.

SEC. 149. Whenever any special assessment shall be confirmed and be payable, the common council shall direct the assessment so made on the special assessment roll to be collected directly therefrom, and thereupon the mayor shall attach his warrant to a certified copy of said assessment roll, therein commanding the city treasurer to collect from each of the persons assessed on said roll the amount of money assessed and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress of some of the goods and chattels of such person, and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

SEC. 150. Upon receiving such assessment roll and warrant the city treasurer shall proceed to collect the amounts assessed therein. He shall give public notice by publication of the time when such roll shall come to his hands. If any person shall neglect or refuse to pay his assessment on demand, the city treasurer shall seize and levy upon any personal property found within the city belonging to such person, and sell the same at public auction, giving six days' notice of the time and place of such sale. The proceeds of such sale, or so much therefor as shall be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of such seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

SEC. 151. The city treasurer shall make return of said assessment roll and warrant to the recorder, according to the requirements of the warrant, and if any of the assessments in said roll shall be

returned unpaid, he shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, a description of the lot and premises upon which the assessments remain unpaid and the amount unpaid on each. Such warrant may be renewed from time to time by the recorder, if the common council shall so direct, and to such time as they shall determine, and during the time of such renewal the warrant shall have the same force and the city treasurer shall perform the same duties and make like returns as above provided. In case any assessment shall be officially returned by the city treasurer as unpaid as aforesaid, the same may be certified to the supervisors of the ward of the city in which the property so assessed is located, and shall then be reassessed, with interest included at the rate of ten per cent per annum in the next tax roll, and shall be collected and paid in all respects as other taxes are collected and paid, or such premises may be sold to pay such demand in the manner hereinafter set forth.

Sale of real estate to pay returned and unpaid taxes.

SEC. 153. Within thirty days after the return of such list of unpaid special assessments, the common council may by resolution direct the recorder to advertise for sale the real estate so returned in the manner herein provided. Said recorder shall thereupon cause said list to be inserted in a newspaper printed in said city, together with a notice that the real estate therein described will be exposed for sale, in separate parcels, at public auction, on a day not less than thirty days from the first publication of such notice, to be stated in such notices, at the recorder's office in the city of Muskegon, and that the same will be sold to the highest bidder, for the purpose of collecting such assessment and interest thereon, and fifty cents for the cost of selling each lot, in addition to the cost of advertising, which costs of advertising shall not exceed fifty cents for each parcel. Such notice shall be published at least once in each week during the time. Such sale may be postponed by the treasurer from time to time, by public proclamation made at the time and place of sale, by inserting notice of such postponement in a paper containing said notice of sale, and immediately thereunder. If for any cause such sale shall not take place at the time in said notice specified, or at the time to which it may have been postponed, the common council may direct the recorder to re-advertise and sell said real estate in manner and form as aforesaid.

Treasurer and recorder, their duties.

SEC. 154. The city treasurer shall attend such sale and sell the premises, but in case of his absence or inability to attend, he may appoint any of his deputies to act in his place. The recorder shall also attend such sale and enter in a book to be provided for that purpose all the particulars of such sale, and shall make out and deliver to each purchaser a certificate of his purchase, stating that such purchaser will be entitled to a deed of the real estate therein described at the expiration of one year, unless the same shall be redeemed. The treasurer shall receive the amount of the assessment, with interest and costs, if paid or tendered at any time before sale.

Board of registration, composed of whom.

SEC. 159. One of the aldermen of each ward, to be designated by the common council, and the supervisor of the district shall con-

stitute a board of registration for each of the supervisor districts, respectively. In case any alderman or supervisor may be absent or unable to attend any meeting of the board of registration the other member of said board may choose a competent elector of said ward to act as a member of said board. Said board shall meet on the Saturday next preceding each election at such place in the supervisor district as may be determined by the common council, and shall remain in session from nine o'clock in the forenoon till nine o'clock in the afternoon for the purpose of completing the qualified list of electors. All proceedings relating to such registration of electors shall be the same as those provided by law for townships so far as they are not inconsistent with the provisions of this act. It shall be the duty of the common council to provide for the re-registration of the voters of the city of Muskegon on the Saturday next previous to the first Monday in April, in the year eighteen hundred and eighty-four, and on the same day of each fourth year thereafter. For this purpose the common council shall provide a new registration book for each of the supervisor districts of said city, and shall give the necessary notice of such new registration at the time and manner as required by law in other cases, and shall make in each of said supervisor districts a new and complete registration of the voters of said supervisor districts, respectively, on said day and on the same day of each fourth year thereafter. And no person shall be allowed to vote at the election or elections succeeding said new registration, unless the name of such voter shall be found on the new registration book of the particular district, except in cases of sickness or other inability of such voters to be present as provided by the general laws in this State.

To meet when and where.

Registration.

Re-registration.

Ordered to take immediate effect.

Approved April 3, 1885.

[No. 316.]

AN ACT to amend sections eight, ten, seventeen, thirty-two, thirty-four, fifty, fifty-two, fifty-eight, sixty-two, sixty-six, sixty-eight, seventy-eight, eighty-one, eighty-four, ninety-two, ninety-four, and one hundred and three of an act entitled, "An act to revise an act to incorporate the city of Bay City," approved March twenty-first, eighteen hundred sixty-five, as amended and revised by the several acts amendatory and revisionary thereof, and to add a new section thereto to stand as section one hundred and one of said act.

SECTION 1. *The People of the State of Michigan enact*, That sections eight, ten, seventeen, thirty-two, thirty-four, fifty, fifty-two, fifty-eight, sixty-two, sixty-six, sixty-eight, seventy-eight, eighty-one, eighty-four, ninety-two, ninety-four, and one hundred and three, of an act entitled "An act to revise an act to incorporate the city of Bay City," approved March twenty-first, eighteen hundred sixty-five, as amended and revised by the several acts amenda-

Sections amended.

tory and revisionary thereof, be and the same are hereby amended so as to read as follows :

Officers, ap-
pointive.

City attorney,
surveyor, and
engineer, term
of office.

Mayor's right
to vote.

Removals from
office.

Right to be
heard.

Subpœnas.

Default.

Oath and bond.

Common coun-
cil, powers and
duties of.

SEC. 8. The council shall have power to appoint an attorney and a street commissioner, a director of the poor, a surveyor, and a chief and one or more assistant engineers for the fire department, and such other officers whose election is not specially provided for in this charter, as they may deem necessary to carry into effect the powers in this act granted. The city attorney, city surveyor, and chief engineer shall each hold his office for two years: *Provided*, That in case of a tie vote by the council in any of such appointments the mayor shall have a right to vote. Any person so appointed to any office may be removed therefrom by the council upon a vote of two-thirds of all the members elect. Any person holding office by election, except the mayor, recorder, and justice of the peace, may be removed therefrom by the council for corrupt or willful malfeasance or misfeasance in office, or for willfully neglecting the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of all the aldermen elect. In such case the reason for removal shall be entered in the records of the council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by the council unless first furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense with the aid of counsel. The council shall have power to issue subpœnas, under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers, and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal. Every person appointed by the council shall take and subscribe the constitutional oath of office and file the same with the recorder within ten days after such appointment. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.

SEC. 10. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable, within said city for the following purposes:

First, To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the deposit therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of said river, and other navigable waters within the limits of said city; to prohibit and to prevent the depositing or keep-

ing therein of any structure, earth, or substance tending to obstruct ^{Idem.} or impair the navigation thereof, and to remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels, and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary, and to prescribe their powers, duties, and compensation ;

Second, To license, continue, and regulate so many ferries and bridges, from within said city to the opposite shore of Saginaw river, for carrying and transporting passengers and property across said river, in such manner as shall be deemed most conducive to the public good ;

Third, To erect, repair, and regulate public wharves and docks at the ends of streets and on the property of the corporation ; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river, beyond a certain line, to be established by the council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicles, dray, or anything whatsoever ; to lease the wharves and wharfing privileges, at the ends of streets, upon such terms and conditions, and under such covenants, and with such remedies, in case of non-performance, as the common council may direct ; but no buildings shall be erected thereon ; no lease thereof shall be executed for a longer period than two years, and a free passage at all times for all persons and their baggage shall be maintained ;

Fourth, To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches ;

Fifth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other buildings, on such streets, alleys and places, or within such limits in said city as the council may from time to time prescribe ; to prohibit and prevent the removal or change of location of wood or frame buildings within said limits, or from any part of said city to any lot or lots on such streets or places within said limits ; to prevent the rebuilding or repairing of wooden, brick or other buildings on said streets, alleys and places, or within said limits, when decayed, out of repair, damaged by fire or otherwise. To prohibit and prevent within such places, limits, or districts in said city as the common council may from time to time prescribe, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, slabs, staves, edgings, wood or other easily inflammable materials, when in the opinion of the council, the danger from fire is thereby increased ; to regulate the use of lights in buildings, and generally to pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires ;

Sixth, To appoint one or more inspectors, measures, weighers and gaugers of articles to be measured, inspected, weighed and gauged ; to prescribe and regulate their powers and duties, fees and compensation ;

Common council, powers and duties of.

Seventh, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels or in other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

Eighth, To erect and provide for the erection of a city hall and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same, and to purchase and sell real estate for the use of said corporation for corporate purposes, and to prohibit and punish injuries to public buildings and property;

Ninth, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances, and disorderly assemblages and conduct;

Tenth, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, the holding, keeping, or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables or bowling alleys;

Eleventh, To regulate the sale or giving away of spirituous or fermented liquors, in compliance with the general law of this State in relation thereto;

Twelfth, To apprehend, restrain, and punish all drunkards, vagrants, mendicants, street beggars, prostitutes and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct;

Thirteenth, To prohibit and prevent, or license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind, and to revoke such license at pleasure;

Fourteenth, To declare and define what constitutes a nuisance, and to prohibit, prevent, abate and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter-house, stable, privy, hog-pen, sewer or other offensive house or place, to cleanse, remove, or abate the same as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city;

Fifteenth, To direct, regulate, or prohibit the location and maintenance of all slaughter-houses, markets and buildings for storing gunpowder and other combustible substances, and prohibit or regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naphtha, salt peter, benzine, benzole, petroleum, kerosene oil, fire-crackers, fire-works and all other combustible substances, and the using thereof, the using of lights in barns, stables and other buildings, and the making of bonfires;

Sixteenth, To prevent the encumbering or obstruction of streets, sidewalks, or crosswalks, lanes, alleys, bridges, wharves, or slips in

any manner, or with any materials or things of any kind or nature ^{Idem.} whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions; to cause the removal of any such obstructions or incumbrance by some city officer, and cause the expense of such removal to be assessed on the abutting property, and the taxes to be levied and collected in the same manner as herein provided for the levy and collection of local taxes for special improvements, the expense of which is assessed on the property specially benefited according to the benefits derived. Any assessment so made and tax so levied shall be a lien on the lands so assessed after the assessment roll shall have been confirmed. To control, prescribe, and regulate the use and enjoyment of streets, alleys, squares, and other public places in the city;

Seventeenth, To prevent immoderate riding or driving in any street, to compel persons to fasten or secure their horses or other animals while standing in any of the streets or alleys of the city, and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving in any street, and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood, or other obstructions;

Eighteenth, To prevent and regulate the running at large of dogs; to impose taxes for the keeping of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance;

Nineteenth, To determine and designate the route and grades of any railroad or street railway now in or hereafter to be laid in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city, and to compel the owners or managers of such roads to station flagmen at street crossings, and to make such rules and regulations concerning the same as to secure the safety of the citizens;

Twentieth, To prohibit and prevent any indecent exposure of the person, the show, sale, or exhibition of any indecent or obscene books, pictures, or pamphlets, and all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within or adjoining said city;

Twenty-first, To establish, regulate and maintain one or more pounds, and to restrain and prevent or regulate the running at large of horses, cattle, swine, or other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Twenty-second, To prevent every species of gaming and to prevent the violation of the Sabbath, and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose;

Twenty-third, To protect and regulate all cemeteries or graveyards within the city, and all such without the limits of said city as

Idem.

such corporations may acquire, and to regulate the burial of the dead and the keeping of the bills of mortality;

Twenty-fourth, To prohibit the bringing or depositing within the limits of said city any dead carcases or other unwholesome or offensive substance, and provide for the removal or destruction thereof wheresoever found;

Twenty-fifth, To lay out, establish, make, alter, and regulate market places and public parks or grounds, and regulate the measuring and selling of fire-wood, and the weighing and selling of hay and coal, and the selling of meats, vegetables, fish, fruits and provisions of all kinds;

Twenty-sixth, To regulate the setting of awning or other posts, and to direct and regulate the planting of shade or ornamental trees in the streets or other public grounds, and to provide for the preservation of the same;

Twenty-seventh, To provide for calling meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the council may deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act;

Twenty-eighth, To survey, ascertain and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares, and spaces in said city; to prohibit and remove all encroachments or obstructions upon the same in any manner, and to number the buildings;

Twenty-ninth, To license and regulate the keeping of hotels, taverns, and [other] public houses, groceries, and keeping of ordinary saloons, and victualing, and other houses, or places for furnishing meals, food, or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys; also to license and regulate or prohibit auctioneers, hawkers, peddlers, and pawnbrokers, and to regulate auctions, hawking, and pawnbrokerage;

Thirtieth, To license and regulate butchers, and keepers of shops, stalls, and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts, or drays used in carrying persons or property for hire, and to prescribe their fare and compensation;

Thirty-first, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the penalty for using false weights and measures, not conforming to the standard as established by the laws of this State;

Thirty-second, To assess, levy, and collect taxes for the purposes

of the corporation, upon all property made taxable by law, which taxes shall be a lien on the property taxed until paid ; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same ; Idem.

Thirty-third, To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or cost of any offense under this act, or any ordinance of the council, in any jail, work-house, or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the council ; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix and value the price of such work and labor. The said council shall have power to make all such other by-laws, ordinances, and regulations as they deem necessary for the safety and good government of the city, and to preserve the health, and to protect the persons and property of the inhabitants thereof. They shall also have power to purchase, for the use of the city, so much land without the limits of the city, as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city ;

Thirty-fourth, To provide for the appointment of such a number of fire wardens as they may deem necessary, and for the examination by them from time to time, of the stoves, chimneys, and flues, furnaces, and heating apparatus, and devices in all dwellings, buildings, and structures in the city, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition ;

Thirty-fifth, To provide for the lighting of streets and alleys, and the protection and safety of public lamps and lights ;

Thirty-sixth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies ; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby, in the manner herein provided for assessments for local improvements, and when the assessment rolls shall have been confirmed, the taxes so levied shall be a lien on the land so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements ;

Thirty-seventh, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction, or otherwise, and to prevent disturbing noises in the streets ;

Thirty-eighth, To prescribe rules to govern undertakers for burying the dead, scavengers, porters, and chimney sweeps, and their compensation, and the fees to be paid by them into the city treasury for licenses ;

Thirty-ninth, To regulate the soliciting of guests for hotels, and passengers and others to ride upon any railroad, boat, street-car, omnibus or stage ;

Fortieth, To fix and regulate the fees of jurors and witnesses in

Common council, powers and duties of.

any proceedings under this act or under any ordinance of the common council ;

Forty-first, To sell or otherwise provide for disposing of all dirt, filth, manure, and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys, and public places, and all earth to be removed therefrom, or from the public squares and grounds of said city in grading, paving, or otherwise improving the same;

Forty-second, To regulate the construction of partition fences and of partition and parapet walls, the walls of buildings, the thickness of walls; to regulate the construction of chimneys, hearths, fire-places, fire-hearths, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues, to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash houses and deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures except private houses to discover whether the same are in a dangerous state and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and the preservation of property exposed to danger therefrom ;

Forty-third, To provide for the inspection and management of stationary and portable steam boilers and steam generators, to appoint one or more inspectors of portable or stationary steam boilers or steam generators and to prescribe and regulate their powers, duties, fees, and compensation, and to license and regulate engineers and firemen of portable or stationary steam boilers or steam generators, and all action heretofore taken by the council in appointing an inspector of such boilers and in adopting an ordinance for the inspection thereof and the licensing of engineers is hereby ratified and confirmed ;

Forty-fourth, To restrain and regulate laying, continuing, repairing, or taking up or removing any gas-pipes along and across any and all of the streets, sidewalks, lanes, alleys, and public grounds in said city ;

Forty-fifth, To appropriate money and provide for the debts and expenses of the city;

Forty-sixth, To regulate the weight and quality of bread to be sold and used within the city;

Forty-seventh, To regulate or prohibit the location and height of telephone, telegraphic and electric light poles within the limits of Bay City and to regulate the manner of stringing wires on the same;

Forty-eighth, To punish all offenders for violations of or offenses against this act, or any by-law or ordinance of the common council adopted or passed under this or any other act of the Legislature, by

holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison, or workhouse of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. The limit and character of punishment for offenses against the ordinances of the council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars and no imprisonment shall exceed one year.

SEC. 17. The expense of paving, macadamizing, planking, or covering with broken or pounded stone, including the grading preparatory thereto of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk, shall be assessed upon the lots and premises specially benefited thereby according to the benefits derived therefrom: *Provided*, That the cost of grading, paving, macadamizing, or covering with broken or pounded stone, at the intersection of any cross streets or alley crossings shall be paid for out of the highway funds of the ward in which said work is located. For the purpose of making any assessment for the cost of grading, paving, macadamizing, or covering with broken or pounded stone, the work for such assessments shall be bid for and let separately, and such bidding and letting shall show:

Expense of paving, etc., how assessed.

Provide.

First, The cost of paving, grading, macadamizing, or covering with broken or pounded stone, except that of the intersection of the cross streets and alleys, and the cost of the crosswalk at such intersection;

Second, The cost of grading, paving, macadamizing, or covering with broken or pounded stone, of the street included within the lines of intersection of any cross street and alley;

Third, The cost of cross-walks at such intersections: *Provided*, in case where a side street merely opens upon and does not extend across the street to be paved, macadamized, graded, or covered with broken or pounded stone, the space formed by extending the line of the former street or alley to the middle of the latter street, shall, for the purpose of this act, be treated as the spaces formed by the intersection of cross streets. All necessary platforms and curbing shall be deemed to be included as paving, macadamizing, or covering with broken or pounded stone.

Amount of money to be raised, when and by whom determined.

SEC. 32. On or before the twentieth day of July in each year, or as soon thereafter as the comptroller shall have completed the assessment roll for said year, the council shall by resolution direct the amount of money to be raised by tax in said city for the current year for city, highway, opening streets, and other purposes, not exceeding the amount the council is authorized by section twenty-five to raise for such purposes, and in like manner before said twentieth day of July, the board of education of the union school district of said city shall by resolution declare the amount of money necessary to be raised by tax for the current year for school pur-

poses, and the council may direct the same to be assessed on said tax roll for the current year, and may cut down and diminish, but shall not add to or increase the same. The board of supervisors of Bay county shall have no power to direct the amount to be raised in said city upon the city roll for city and school purposes.

Comptroller's
warrant.

SEC. 34. To such city tax roll the comptroller shall annex a warrant signed by him commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column in said roll opposite their respective names, and to retain the same in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next following. Said warrant may be in the following form :

To the Treasurer of Bay City :

You are hereby commanded to collect from the several persons named in the said roll the several sums mentioned in the last column in said roll opposite to their respective names, and to retain the same in your hands for the following purposes :

For city funds.....	\$——
For school funds.....	\$——
For highway funds, First ward.....	\$——
For highway funds, Second ward.....	\$——
For highway funds, Third ward.....	\$——
For highway funds, Fourth ward.....	\$——
For highway funds, Fifth ward.....	\$——
For highway funds, Sixth ward.....	\$——
For highway funds, Seventh ward.....	\$——

You are further commanded to return said roll to me on the first day of November next.

Dated,

E——— F———,

Comptroller.

Tax roll and
warrant to be
delivered to
treasurer when.

Said city tax roll and warrant shall be delivered to said treasurer on or before the twentieth day of August.

Tax becomes a
lien when.

The amount so assessed, upon said city tax roll, upon real property shall, as soon as said city tax roll is approved, become a lien upon such real property and the lien for such amounts and for all interests and charges thereon, shall continue until the payment thereof.

Estimates for
public works,
surveys, plans,
and specifica-
tions.

SEC. 50. Whenever the council shall order the performance of such work the board of public works shall proceed forthwith to estimate the cost of such work, and may cause surveys, plans and specifications to be made, and report the same to the council with such other recommendations as they may deem advisable. As soon as the cost of such work shall be estimated by the board of public works, approved by the council, and contract let for the performance of such work, the comptroller shall prepare a tax roll, in which roll he shall set down the description of all the lands and premises he deems to be specially benefited by the proposed work, and amount chargeable and assessed against each description of property in the manner provided in section seventeen of this act, which amount shall include the contract price of construction and

Tax roll.

the amount as estimated by the board of public works for surveying, superintending construction, and advertising, exclusive of street and alley crossings. Also, he shall set down in such tax roll the amount, including contract price, cost of superintending and advertising, made chargeable against the various ward highway funds designated in the ward or wards, which such amount, apportioned to the highway funds, shall be reported to the common council and payable to the contractor by orders on the respective highway funds as the work progresses, on the certificate of the engineer in charge. Any surplus, after paying contract price, shall be transferred into the general fund.

Surplus, how disposed of.

SEC. 52. The comptroller shall cause each notice to be published in the official newspaper for seven days preceding the time fixed for such meeting, and to be posted in the council room, and in or near each postoffice of said city, and near the site of said proposed work in some public and conspicuous place. At the time and place appointed therefor, or at such other time and place to which said board may adjourn, the said board shall sit and hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and shall decide upon the same. Any member of said board shall have power to administer an oath and to examine witnesses in relation to the matters involved in such objection. Said board, upon cause shown, may at the time of said meeting diminish or correct any assessment or description appearing upon said roll: *Provided, however,* That if the amount assessed upon said roll against any description of property shall be diminished, the amount of such diminution shall be divided and added ratably to all the assessments upon said roll. They shall continue in session for at least one day and for such longer time as may be necessary. After the said board shall have reviewed and approved said assessment roll, the comptroller shall endorse thereon the words "local tax roll for (*e. g.*, paving Water street between Sixth street and Tenth street), or (*e. g.*, sidewalk on south side of Twenty-third street, between Water street and Broadway, as the case may be)," as approved by board of public works (*e. g.*, July fifteenth, eighteen hundred and eighty, fixing time).

Duty of comptroller to publish and post notices.

Board to hear objections to assessment.

Power to administer oath.

An assessment diminished to be divided ratably.

Length of session of board.

Duty of comptroller in regard to the tax roll.

Date, E———— F————,

Comptroller.

Said roll when so endorsed shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of said tax and tax roll. The amounts so assessed upon any real property shall, as soon as said roll is approved, become a lien on such real property, and the lien for such amounts and for all interest and charges thereon, shall continue until the payment thereof.

Tax roll *prima facie* evidence.

Tax becomes a lien when.

SEC. 58. The council may set aside any local tax roll at any time before the same is delivered to the treasurer and direct the making of another. In the event of the tax assessed upon a local tax roll proving insufficient to pay for the work for which it was assessed, the council may order a supplementary tax roll to be made out for the purpose of supplying such deficiency. Such supplementary local tax roll shall contain the names of the same persons and the

Tax roll may be set aside.

Supplementary tax roll.

same descriptions of property as are set down in the original local tax rolls, made out for the purpose of collecting money to pay the costs of the public work in question, as provided in section fifty-two. Said deficiency shall be taxed and assessed against each description of property upon such supplementary roll ratably, according to and in proportion to the amount assessed against the same description of property in such original roll.

Board of public works.

SEC. 62. The board of public works of Bay City shall consist of the city surveyor, city comptroller, and three electors of said city, who shall be appointed by the council, on the nomination of the mayor. The members of such board, hereafter appointed, shall hold their office for three years: *Provided, however,* the members of said board, as now constituted, shall hold their offices until the expiration of the time for which they were respectively appointed. As the respective terms of the members of such board expire, one member of such board shall be appointed each year by the council, on the nomination of the mayor, who shall hold his office for three years. In case of a vacancy, the council shall, on the nomination of the mayor, fill such vacancy for the remainder of the unexpired term. Any person appointed a member of said board shall hold his office until his successor is appointed and qualified.

Contracts in name of the city, by whom signed.

Let to the lowest bidder.

SEC. 66. All contracts made by said board shall be in the corporate name of the city, and shall be signed by the mayor and countersigned by the comptroller. All contracts for making city improvements on the streets, avenues, and alleys, or constructing sewers let to the lowest responsible bidder, shall contain a covenant on the part of the contractor or contractors with the city to pay all laborers employed on the job, and the performance of such covenant shall be guaranteed by two or more sureties signing the contract, but who shall not be liable beyond the amount of contract price specified in contract: *Provided,* The city shall not be liable for the sufficiency of the contractors or sureties. Laborers who may do work stipulated for by any such contract may recover in an action in the name of the city, not exceeding the amount of contract price (in which no costs shall be adjudged against the city). Such suit may be brought in any court of competent jurisdiction. No action shall be brought for the benefit of laborers on contract unless commenced within one year from the completion of said work.

Proviso.

Suits by laborers must be commenced within one year.

Members of the board of public works, compensation of.

Proviso.

SEC. 68. The members of the board of public works shall be paid for the time actually employed in the discharge of their duties, a sum to be fixed by the council, not exceeding three dollars per day: *Provided,* That no member of said board shall receive over one hundred and fifty dollars per annum for his services, which sum shall include services rendered on the board of review. Each of said members shall, before entering upon the duties of his office, execute a bond to the city conditioned for the faithful discharge of his duties; such bond to be given in the penal sum of five thousand dollars, shall be executed by one or more sufficient sureties and be approved by the mayor. Any member of said board may be removed by a majority vote of all the members of the council elect,

Bond of.

Removal of.

upon cause shown, and after having been afforded a reasonable opportunity to make a defense; and any member of said board may be removed by the mayor, when requested by resolution of the council, adopted by a two-thirds vote of all the members elect. In such case it shall not be necessary to assign any reason or give any notice. The vote of the council shall be taken by yeas and nays, Yeas and nays. and shall be entered at large upon the records thereof, but the provisions of this section shall not apply to the comptroller. The comptroller shall have the power to call a meeting of said board whenever he shall deem it necessary, and shall be the secretary of said board.

SEC. 78. The board of police commissioners of Bay City shall consist of five persons having the qualifications of electors, who shall be appointed by the council on the nomination of the mayor: *Provided, however,* The members of said board as now constituted shall hold their offices until the expiration of the time for which they were respectively appointed. Said board shall elect its own chairman, and the recorder shall be the clerk thereof. Said commissioners shall receive no compensation for their services. Such board shall assume and exercise entire control of the police of said city, and shall possess full power and authority over the police organization, govern appointments, and discipline within said city; it shall have the custody and control of all public property, books, records and equipments belonging to the police department, and shall have the power to erect and maintain all such lines of telegraph in such places within such city as for the purposes of police the board shall deem necessary, whenever the council shall authorize the establishment of the same. Said board shall keep record of its proceedings. Police commissioner.

SEC. 92. The comptroller shall, at the end of the fiscal year ending March twenty-second, each year make out a detailed statement of all receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what accounts all moneys were received, and it shall also specify all appropriations made by the council during the year, and the particular purposes for which each appropriation was made. Such statement shall be signed by the mayor and recorder and be recorded and filed in the recorder's office. The comptroller shall cause to be published at least two hundred copies, in pamphlet form, of his annual report, together with other official reports. Comptroller, duties of.

SEC. 94. The mayor shall, by virtue of his office, be authorized to take the acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, and do all other like acts that justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city. The comptroller and recorder are authorized generally to administer oaths and affirmations, and take affidavits, and the comptroller is authorized to certify copies of all papers in his office, and he shall be entitled to receive the sum of twenty-five cents for every certificate so made by him. Mayor authorized to take acknowledgments, etc.

Comptroller and recorder authorized to administer oaths.

SEC. 103. The treasurer of the city shall be, by virtue of his

Treasurer by
virtue of his
office collector,
duties of.

office, the collector of all taxes and assessments both general and special levied and made therein; and for that purpose, within ten days after his election, he shall give bonds to the city in such sum and with such surety or sureties as the council shall require and approve; he shall also give to the treasurer of the county of Bay such further security as is or may hereafter be required by law of the several township treasurers of this State, and for the purpose of the collection and return of all such taxes and of the return of property delinquent for the non-payment of taxes; the said treasurer on giving the bonds or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the council shall require: *Provided, however,* the treasurer may sue in the name of the city, any person to whom a tax on personal property is assessed at any time within six years after the same was assessed. He shall have power to appoint one or more deputies to be approved by the council, and make or revoke such appointment at his pleasure, which appointment and revocation shall be in writing and filed in the office of the recorder, and the deputy may perform the duties of such treasurer, and said deputy before entering upon the duties of his office shall give bonds to the city in such sum and with such surety or sureties as the council may require and approve. It shall be the duty of the treasurer to report to the council at the first meeting in October and January all delinquent personal taxes.

May sue for tax
within six years.

Deputy treas-
urer.

SEC. 2. That a new section be added to said act to stand as section one hundred and one of said act and to read as follows:

Treasurer mem-
ber of the board
of supervisors.

SEC. 101. The treasurer of Bay City shall be a member of the board of supervisors of Bay county, and shall be entitled to the same compensation and be paid in the same manner as other members of the said board.

Chief of police,
captains, and
other members
of the force.

SEC. 81. The board of police commissioners shall have power to appoint a chief and one or more captains of police, and such number of policemen with pay, and such number of policemen or watchmen without pay, as they shall deem expedient, and shall have power to fix and limit the term of office of all persons so appointed. In times of special emergency, or apprehended danger from riot, or other cause of alarm, said board may appoint as many policemen, with or without pay, as they shall deem expedient.

Oath of office.

SEC. 84. Each member of the police force appointed by said board shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution and file the same with the clerk of said board. After filing said official oath, the policeman so appointed shall have power, within the city limits only, to serve any summons, subpoena, warrant, order, notice, paper or process whatever, issued as directed by any justice of the peace, recorder of the city, or officer whatsoever in execution of the laws of this State or ordinances of the city for the prevention of crime and the punishment of offenders. They shall have power to serve

Powers and
duties of police.

process for any violation of the city ordinances, and generally shall have and exercise the powers as conservators of the peace which township constables possess under the general laws of this State, but such policemen shall not serve any civil process. It shall not be lawful for the chief, captain, or any member of said force to engage in any detective work for any private person, firm, or corporation, nor shall they in the discharge of their official duties as members of such police force be allowed to exceed or go outside of the city limits or boundaries of Bay City, and any member of said force so transgressing shall be dismissed from the force. For the time engaged in active service, each member so engaged shall be paid such sum as shall be recommended by the board and approved by the council: *Provided, however,* That any of said officers may, in pursuit of any criminal that has committed an offense in said city, follow the said offender to the county line of said Bay county.

Cannot engage
in detective
work.

This act is ordered to take immediate effect.

Approved April 3, 1885.

[No. 317.]

AN ACT for the rebuilding, repair, and preservation of the bridges across the Au Sable river within the boundaries of the county of Oscoda, and providing for the election of a "county bridge commissioner."

SECTION 1. *The People of the State of Michigan enact,* That from and after the first day of January, in the year of our Lord eighteen hundred and eighty-six, the cost and expenses of rebuilding, repairing, and the preservation of all bridges and the approaches thereto across the Au Sable river, within the boundaries of the county of Oscoda, shall be raised by a special tax on the county of Oscoda at large, as hereinafter provided.

Expense of
bridges, etc.,
how raised.

SEC. 2. The board of supervisors of said county shall, at its next annual meeting, and at each annual meeting thereafter, ascertain and determine, by a majority of said board, the amount of money necessary to be raised by taxation upon the taxable property of said county, for the purpose of rebuilding, repairing and preservation of the bridges and approaches mentioned in section one of this act, which shall not in any one year exceed one-half of one per cent upon the assessed valuation of said county: *Provided,* The amount to be raised in any one year shall not exceed the sum of one thousand dollars. And when said amount to be so raised is ascertained and determined by said board of supervisors, the same shall thereupon, by said board of supervisors, be apportioned to the several townships of said county according to their assessed valuations.

Duty of board
of supervisors.

Proviso.

SEC. 3. The board of supervisors of said county shall, at its next annual meeting, and at each annual meeting thereafter, by a majority vote of said board, elect some suitable elector of said county "county bridge commissioner," whose term of office shall be for the

County bridge
commissioners.

Proviso.

period of one year and until his successor shall be elected and qualified, which said term of office shall commence on the first day of January next after his election: *Provided*, That no person holding the office of supervisor shall be eligible to said office of bridge commissioner.

Oath of office and bond.

SEC. 4. Said commissioner, when so elected, shall, before entering upon the duties of his office and within twenty days after notice of his election, take the constitutional oath of office, and shall also within the time limited for filing his official oath, give a bond to the county of Oscoda in the penal sum of two thousand dollars, to be approved by the said board of supervisors, conditioned for the faithful performance of the duties of his office and the faithful disbursement of all moneys that may come into his hands by virtue of his office, which said bond and oath of office shall be filed with the county clerk of said county: *Provided, however*, That if the board of supervisors shall not have approved of such bond, or the sufficiency of the sureties thereto, before such commissioner shall enter upon the duties of his office, the clerk and chairman of said board of supervisors may on application of the commissioner elect approve of the bond and the sureties thereto, on being satisfied of the pecuniary responsibility of the sureties to meet the exigencies of said bond, subject, however, to the approval of the board of supervisors at their first meeting thereafter.

Proviso.

Repairing bridges.

SEC. 5. It shall be the duty of said commissioner at all times to keep in good repair all of the bridges and approaches thereto mentioned in section one of this act, and said commissioner shall also have the care of rebuilding, repairing, and the preservation of all of said bridges; and when the cost in either case shall exceed one hundred dollars, said commissioner shall advertise for sealed proposals, and shall contract with the lowest bidder giving good and sufficient security for the performance of the work, and not less than ten days' notice shall be given by the commissioner of the time and place of letting such contract, by posting up notices in at least five of the most public places in said county.

Sealed proposals.

Notice.

Commissioner's statement.

SEC. 6. Said commissioner shall, between the fifteenth day of September and the first day of October in each year, make and file with the county clerk of said county a statement in writing stating:

First, The improvements which have been made upon said bridges during the year preceding such report, and the condition of all of said bridges;

Second, An estimate of the amount of money necessary to be raised upon the taxable property of said county for the purposes of rebuilding, repairing, and the preservation of said bridges for the next ensuing year;

Third, The improvements necessary to be made on said bridges during the next ensuing year;

Fourth, An itemized statement of account of all the charges and expenses of said commissioner, for the year preceding the filing of said statement.

To be presented to the board of supervisors.

SEC. 7. The county clerk shall cause said statement to be presented at the next annual meeting of the board of supervisors of said county.

SEC. 8. Said commissioner may draw warrants on the county treasurer in his own favor, to be countersigned by the county clerk, for sums not exceeding one hundred dollars at any one time and may make disbursements from the amounts so drawn in payment for employed labor, material, and incidental expenses, and he shall receive receipts from all persons to whom money shall be paid by him, which said receipts shall be by him filed with the county clerk of said county before any further similar drafts shall be made. He may also draw orders upon said county treasurer in payment of contracts mentioned in section five of this act, and no money applicable to such purposes shall be paid out by said county treasurer except upon such orders, signed by said commissioner and countersigned by the county clerk of said county, and accompanied by the commissioner's certificate that the labor has been actually performed, or the contract fulfilled, or materials furnished, for which the amount of such order is to apply in payment, but such commissioner shall draw no order in excess of the funds in the said treasury to pay the same or that may have been voted for that purpose, or make any contract, or issue any evidence of indebtedness, or do any other act implying any obligation upon said county, except as herein provided.

Commissioner's warrant.

Receipts.

Commissioner's order.

SEC. 9. The compensation of said commissioner in the performance of the duties of his said office, shall be the same as is now allowed by law to commissioners of highways of townships within this State, which compensation of said commissioner shall be audited and allowed by the board of supervisors of said county: *Provided, however,* That the board of supervisors of said county may allow and pay such commissioner such other or further compensation, by salary or otherwise, as they may deem just.

Commissioner's compensation.

Proviso.

SEC. 10. When the amount of money to be raised for the purposes specified in section one of this act shall be determined by the board of supervisors and the same shall have been, by the said board, apportioned to the several townships of said county, the same shall be assessed by the several supervisors, upon the taxable property of their respective townships, and when so assessed the same shall be collected by the several township treasurers in said county, and by them paid over to the county treasurer of said county, and no moneys collected by virtue of this act shall be used for any other purposes than those specified in sections one and nine of this act, and all expenses, charges, compensation and disbursements of said commissioner, and all orders drawn in his favor by the board of supervisors shall be drawn on and paid out of the moneys in the hands of the county treasurer which was raised for the purposes specified in section one of this act, which said moneys shall be by the county treasurer kept in a separate fund and known as the county bridge fund.

Assessment and collection of taxes for bridges.

County bridge fund.

SEC. 11. The board of supervisors of said county shall have power, and it shall be their duty to fill any vacancy existing in said office of bridge commissioner.

Vacancy in office of bridge commissioner, by whom filled.

SEC. 12. For every default and neglect of duty of such commissioner, he shall be liable to the same penalties and forfeitures as is

Penalty for commissioner neglecting duty.

now provided by law in cases of neglect and default of duty of highway commissioners within this State.

Acts repealed.

SEC. 13. All acts and parts of acts contravening the provisions of this act so far as they may apply to the bridges and approaches thereto mentioned in section one of this act are hereby repealed.

Approved April 9, 1885.

[No. 318.]

AN ACT to amend sections three, five, six, eight, and thirteen of chapter four, section two of chapter five, section four of chapter six, sections eleven and twenty-two of chapter seventeen, section two of chapter twenty, section seven of chapter twenty-two, and section one of chapter twenty-three, of an act entitled "An act to incorporate the city of Kalamazoo, and to repeal an act entitled 'An act to re-incorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,'" approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, and to add four new sections thereto to be known as section five of chapter six, section six of chapter eight, and sections twenty-nine and thirty of chapter seventeen.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three, five, six, eight, and thirteen of chapter four, section two of chapter five, section four of chapter six, sections eleven and twenty-two of chapter seventeen, section two of chapter twenty, section seven of chapter twenty-two, and section one of chapter twenty-three, of an act entitled "An act to incorporate the city of Kalamazoo, and to repeal an act entitled 'An act to re-incorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,'" approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, be amended so as to read severally as follows: and that four new sections be added thereto, to be known as section five of chapter six of chapter six, section six of chapter eight, and sections twenty-nine and thirty of chapter seventeen, to read severally as follows:

Sections added.

CHAPTER IV.

Notice of election.

SECTION 3. Notice of the time and place of holding any election, and of the officers to be elected, and the questions or propositions, if any, to be voted upon, shall, except as otherwise provided for, be given by the city clerk at least ten days previous to such election, by posting such notice in three public places in said city, or by publishing a copy thereof in a newspaper printed and published in said city the same length of time before election; and in case any question or proposition is to be voted upon, such notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing the election.

To state what.

Polling places.

The city council may designate the polling places in the different

wards, and such designation may be made at any time previous to the time provided for giving notice of election. In case the council shall fail to designate polling places, previous to any election, such election shall be held at the polling places used at the last election, or, in case it shall be inconvenient or impossible to use any such polling place, the ward inspectors of election shall proceed in accordance with section six hundred and eighty-eight of Howell's Annotated Statutes.

SEC. 5. On the day of election the polls shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, and closed at five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors of election shall cause proclamation to be made of the opening and closing of the polls.

Time of opening and closing polls.

SEC. 6. The supervisor and aldermen of each ward shall be the inspectors of election for such ward. The inspectors may employ one or more residents of the ward as polling clerks, who shall receive such compensation as the city council may prescribe. In case of the failure of any inspector to attend or to remain at the polls, his place shall at once be filled by the appointment of some elector of the ward, which appointment shall be made by the remaining inspector or inspectors. The supervisor shall be chairman of the inspectors, or, in his absence, the inspectors shall elect a chairman. Such board of inspectors shall have power to correct at the polls any clerical errors that may be discovered in the registration.

Inspectors of election.
Polling clerks.

SEC. 8. Immediately after closing the polls, the judges of election shall, without adjourning, canvass the votes received by them at the polling places of their respective wards and declare the result; and shall on the same day, or on the next day, make a statement in writing, setting forth the whole number of votes cast for each office, the names of the persons for whom such votes for each office were cast, and the number of votes so given for each person; and if any proposition or question shall have been voted upon, the whole number of votes given upon such question or proposition, and the number given for and against the same, which statement shall be certified under the hands of the inspectors of election to be correct, and they shall thereupon, on the same day, seal up in boxes and deposit such statement, together with the poll lists and ballots cast, in the office of the city clerk. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the city board of canvassers, and shall canvass the returns from the respective wards, and declare what officers have been elected in said wards and in the city, and file a statement of the persons so declared elected by them, and the number of ballots cast for each, with the city clerk. It shall be the duty of the clerk to forthwith give notice in writing to the persons elected at any election, of their election. The persons declared elected by the inspectors of election, shall, from such declaration, be deemed to have been duly elected, unless for good and sufficient cause their election be held void.

Judges of election, their duties.

Board of canvassers.

Duty of the clerk.

Persons deemed elected.

SEC. 13. The president and board of trustees of the village of

Registration.

Duties of the judges and inspectors of first election.

President, trustees, and clerk, duties of.

Board of registration.

Kalamazoo shall provide by resolution in accordance, as near as may be, with State laws, for the registration of the qualified electors of each ward, at least sixty days previous to the first election in this chapter specified. The judges and inspectors of the first election herein provided for shall make returns of such election to the president and trustees of the village of Kalamazoo, in the same manner as judges and inspectors of subsequent elections are required to make returns to the city council, and said president and trustees and the village clerk shall perform the same duties in relation thereto, as are provided in this act to be performed by the city council and city clerk in relation to subsequent elections. The supervisor and aldermen of each ward shall constitute the board of registration of such ward.

CHAPTER V.

Officers, term of office.

SECTION 2. All officers appointed by the city council, except those appointed to fill a vacancy, and except policemen, special policemen, and watchmen, who shall hold their offices during the pleasure of the council, shall hold their respective offices until the second Monday in April next after such appointment, and until their successors qualify and enter upon the duties of their office, unless a different term of office shall be prescribed in this act, or in the action of the council creating the office. Officers appointed to fill a vacancy, in appointive offices shall hold their offices for the residue of the term in which the vacancy occurred.

CHAPTER VI.

Mayor, duties of.

SECTION 4. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. The mayor shall also have power, when, in his judgment, he shall deem it necessary, to suspend any officer of the city, who shall hold his office during the pleasure of the council, but such suspension shall continue in force only until the next regular meeting of the council, unless it be then ratified by the council. Such suspension shall be by written notice, filed with the clerk, a copy of which shall be served on the officer.

President of the council.

SEC. 5. The council shall, at its first regular meeting after any election, appoint one of its members to be president of the council. Such president shall, in the absence of the mayor, or in case of his inability to act, perform all the duties of the office of mayor.

CHAPTER VIII.

Treasurer, his bond.

SECTION 6. The treasurer elect in each year, before entering on the duties of his office, and within ten days after his election, shall make and file with the city clerk a bond in the penal sum of one hundred thousand dollars, with three or more sufficient sureties, to

be approved by the city council, conditioned for the faithful accounting for and proper payment of all moneys belonging to the city, and coming into his hands by virtue of his office, and for the faithful and lawful performance of all the duties of his office.

CHAPTER XVII.

SECTION 11. The city council shall have power to borrow money for necessary expenses and public improvements in said city: *Provided*, That it shall not be lawful for said city council to borrow more than twenty-five thousand dollars in any one year, unless the question of raising a greater sum shall first be submitted to the electors of the several wards of said city, at its annual election or at a special election called for that purpose by the city council, and a majority of the qualified electors thereof, voting at such election, shall vote by ballot for the same.

Power to borrow money.

Provided.

SEC. 22. The city council shall have power to require the owners and occupants of all lots and premises to construct, repair, and maintain sidewalks in the public streets and alleys of said city whenever said council shall deem the construction, repair or maintenance of the same a public necessity; and said council shall have power to require all sidewalks to be constructed and laid upon such lines and grades, and of such width and materials, and manner of construction, and within such line, as said council may order, or by resolution or ordinance prescribe. The council shall also have full and complete power to provide by ordinance for the building of sidewalks by the owners or occupants of premises, and for assessing the cost and expense of sidewalk to owners and occupants who shall neglect or refuse to build the same when ordered by the council, and they may, by ordinance, provide that such expense shall become a lien on the land, when assessed as a tax, or that it may be collected by suit.

Sidewalks, power of council in regard to.

SEC. 29. The council shall have power to compel the attendance of the members at all regular meetings by fine.

Attendance of members of council may be compelled.

SEC. 30. In case any member of the council, whose term shall not expire with the year, shall tender his resignation, to take effect at the time of the coming in of the newly elected aldermen, elected at any annual election, it shall be competent for the council to accept his resignation, to take effect at such date, and to order the election of an alderman at the coming election to fill such prospective vacancy. A vacancy shall be deemed to have occurred in any elective office of the city or of the different wards, except the office of recorder, upon the happening of any of the events mentioned in compiler's section six hundred and seventeen, of the compiled laws of the State of Michigan of eighteen hundred and seventy-one, as creating a vacancy. Any elective officer of the city or of its wards may resign his office by tendering his resignation to the city council. When a vacancy shall occur in any of said offices, such vacancy shall, as soon as may be, be filled by appointment by the city council, to be made at any regular or special meeting thereof. Vacancies in offices elective by the different wards shall

Resignation of members of council.

Vacancy in office.

Resignation to be made to council.

Appointment to fill vacancy.

be filled from electors of the ward in which they occur. Any person so appointed by the council shall hold his office until the next annual city election, and until his successor is elected and qualified. In case any part of the original unexpired term of such office so filled by appointment extends after the time when officers elected at the annual city election next following the time when the vacancy occurs are to qualify, such unexpired term shall be filled at such election by the ward or city as the case may be. When a vacancy in any such office shall be filled by election or appointment, the person so appointed or elected shall give like security and be subject to like duties and responsibilities, and have the same powers and compensation as the officer in whose place he was appointed.

CHAPTER XX.

City hospital.

SECTION 2. When the city council may deem it for the public safety, grounds and buildings for a city hospital may be purchased, erected and maintained within or beyond the corporate limits of the city; and in such case the city council shall have authority to enact or enforce, within or beyond the corporate limits of the city, all such ordinances and police regulations as may be necessary for the care and protection thereof; and for the management and control of the inmates and persons employed in and about such hospital: and said city council shall have power to enact such ordinances, rules, and regulations in regard to the public health of said city as are authorized by the general laws of the State, and such others as they may deem necessary for the proper care and protection of the inhabitants of said city.

CHAPTER XXII.

SPECIAL ASSESSMENTS.

Special assessment.

SECTION 7. When any special assessment is to be made *pro rata* upon the lots and premises for any improvement, according to frontage or benefit, the city council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises or locality to be assessed. The council may, in their discretion, in such resolution order a certain definite sum to be assessed upon each foot of frontage, and in case they shall so order, the assessors shall assess such amount upon the frontage, instead of proceeding according to section nine of this chapter.

CHAPTER XXIII.

APPROPRIATION OF PRIVATE PROPERTY.

Taking private property for public use.

SECTION 1. Whenever it is deemed necessary by the city council to take or appropriate any private property, right of way, interest or estate therein for any public improvement or use, the proceedings

therein shall be as follows, viz.: The city council shall first declare by resolution that they deem it for the interest of said city to take the property, interest, or estate therein for public use or improvement, which resolution shall describe the property and interest or estate therein proposed to be taken, and the particular purpose for which it is proposed to take the same. The said city council shall thereupon cause notice thereof to be given to the owners or occupants or persons interested, or his or their agent or representative, so far as they can be ascertained, by personal service, or by posting up such notices in three or more public places in said city, stating the time and place when and where said council will meet to consider such resolution, which notice shall describe the property and the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same; and which notice shall be served or posted up as aforesaid at least ten days before the time of meeting. If, after hearing the persons interested who may appear at such meeting, the said city council shall still deem it for the interests of said corporation to take such property, interest or estate therein for the particular public use or improvement mentioned, they shall confirm said resolution, and then they may proceed to treat with the parties interested in the property proposed to be taken, and obtain a release or conveyance thereof by gift or purchase. If such conveyance or release shall not be obtained by treaty, from said parties or any of them, then it shall be lawful for the mayor of said city, or, in case of his absence from the city, for the city clerk to apply to the city recorder, and in case of his inability to act, then to apply to the judge of probate of Kalamazoo county for the appointment of a jury of twelve freeholders of the city to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages thereon to such persons as shall not have released all claim for damages or agreed with the mayor or city council on the price to be paid by reason of the taking or using such private property, interest or estate therein for such specified purpose, which application shall describe the grounds and premises and the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same. Notice of such intended application, together with a copy of the same, shall be served on the parties interested in the property proposed to be taken who have not released or agreed upon the compensation to be received therefor, at least four days before the same is presented to such city recorder or probate judge. Such service may be made on such persons personally or by publication for the same length of time in some newspaper printed in said city. Upon the receipt of such application, the recorder or probate judge to whom the same is presented shall make a list of twelve disinterested freeholders residing in said city, having the qualifications of jurors in courts of record of the State, and shall issue a *venue* under his hand, directed to the marshal or any constable of the city of Kalamazoo, commanding the officer therein named to summon

the persons named in said list to be and appear at his office or at some other convenient place in said city, to be therein designated, on some day to be therein named, not less than six nor more than twelve days from the time of issuing the same, to serve as jurors to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages occasioned by taking the property, interest, or estate therein mentioned and described in such application for the purpose therein mentioned. If all the jurors shall not appear, or if any be disqualified for any reason, the said recorder or probate judge shall cause a sufficient number of talesmen, having the qualifications aforesaid, to be summoned as aforesaid, to make a full jury. No person shall be incompetent to serve as a juror on account merely of such interests as he may have in common with the inhabitants of the city in the result of the proceedings. Any person summoned as a juror may, on the demand of any person or persons interested, be sworn and examined touching his competency to act as a juror in the proceedings, and if it appear, on such examination, to the satisfaction of the recorder or probate judge, before whom such proceedings are had, that any juror is directly interested in such proceeding, or unduly biased or prejudiced in regard thereto, such juror shall be excused. The jurors shall be sworn by such recorder or probate judge, to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages occasioned by taking the property, interest, or estate therein described in such application for the purpose aforesaid. They shall proceed to view the premises described, and hear proofs, and within five days thereafter make return in writing, to the said recorder or probate judge, before whom the proceedings were had, signed by them, of their doings, which shall state their finding in regard to the necessity aforesaid, and the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said recorder or probate judge, under seal, and forthwith filed in the city clerk's office. Such jurors shall be entitled to receive one dollar and fifty cents per day. The judge of probate, if such proceedings are had before him, for his services shall receive five dollars for such proceedings: the fee of the officer summoning such jury shall be one dollar.

This act is ordered to take immediate effect.

Approved April 9, 1885.

[No. 319.]

AN ACT to change the name of Celia Jane Marshall to Celia Jane McCuaig and make her the heir-at-law of Alexander McCuaig.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of Celia Jane Marshall is hereby changed to Celia Jane

McCuaig and she is hereby declared the heir-at-law of Alexander Heir-at-law.
McCuaig, of the township of North Shade, Gratiot county, Michigan.

Ordered to take immediate effect.

Approved April 9, 1885.

[No. 320.]

AN ACT to amend sections one, two, three, four, five, six, and seven of chapter two and sections one, two, and four of chapter three of act number three hundred twenty-six, being "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, six, and seven of chapter two of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows: Sections amended.

SEC. 1. There shall be a "board of commissioners of registration and election" in and for the city of Detroit, which shall consist of four resident electors to be appointed by the board of councilmen on the nomination of the mayor, and whose term of office shall be four years, and with the powers and duties hereinafter stated. The members of said board first appointed shall hold their offices for the term of one, two, three, and four years from July first, in the year of our Lord eighteen hundred eighty-five respectively, as designated by the mayor in nominating them, and thereafter one member shall be appointed annually for the full term of four years. Said board shall be strictly non-partisan in character, two members thereof to be from each of the two leading political parties in the said city, and the members thereof shall receive no compensation for their services; any one of said commissioners shall be considered as vacating his office in the event of his accepting or holding any political office, and any commissioner who shall during the term of his office, be publicly nominated for any office elective by the people and who shall not decline the said nomination within ten days succeeding notice or knowledge of the same, shall be deemed to have vacated his office. Board of commissioners of registration and election.

SEC. 2. The board of commissioners of registration and election shall elect from their number a president. The city clerk shall act as secretary of said board. Three members of said board shall constitute a quorum for the transaction of business. It shall be the duty of said board of commissioners of registration and election at least two weeks before the time fixed by law for the meeting of boards for the registration of electors, to appoint two qualified electors of each of the several districts into which the wards of the city of Detroit are divided, to act as district boards of registration in and for each district respectively. One of said registrars to be President and secretary.
District board of registration.

from each of two leading political parties in said city, and all registrars so appointed shall be able to read and write the English language. All the district boards of registration of the city shall together constitute the city board of registration. Vacancies occurring in said district boards may be filled at any time by said board of commissioners of registration and election. In the year eighteen hundred and eighty-five and every year thereafter in which an election for president of the United States occurs, there shall be an entire new re-registration of the qualified electors of the city. In the years mentioned the district boards of registration shall begin their sessions for the purpose of making such registration of the qualified electors of each ward and election district of the city, on the second Wednesday preceding the November election, so that the days of registration on such years of re-registration shall be four, of which the second Saturday preceding election shall be the last.

City board of registration. The board of commissioners of registration and election shall, at least two weeks before the said meeting of the said district boards of registration, cause a notice to be published in two or more daily newspapers, printed and published in said city representing the two leading political parties in said city that said district boards of registration will meet on the days designated and at the hours mentioned, to make a perfect list as near as may be of all persons residing in such ward and district qualified as electors under the constitution; such notice shall also designate the place in the district of each ward, to be fixed by the said board of commissioners of registration and election, where said district board of registration will meet for that purpose. At least ten days before said meeting the city clerk shall cause handbills to be posted in at least five conspicuous places in each district of each ward containing a similar notice of the time and place of such meeting for that district, which published notice and said handbills shall also contain a true copy of section one of article seven of the constitution relative to the qualifications of electors. All sessions of boards of registration shall be from ten o'clock A. M. to eight o'clock P. M. continuously each day. It shall be the duty of the board of commissioners of registration and election to cause to be prepared for the district boards of registration, books to be known by the general name of registers and to be so arranged as to admit of the entering alphabetically all the names of all male resident electors in each district who shall apply for registration. Said register shall be ruled in parallel columns, in which opposite to, and against the name of every applicant shall be entered by said district board the words and figures as near as may be, indicated by the following form, viz.:

Re-registration.

Notice to be published.

Hand bills to be posted.

Registers.

Name.	Residence.	Sworn.	Nativity.	Color.	Term of Residence.			Naturalized.	Date of Paper.	Court Issuing Same.	Qualified Voter.	Remarks.
					City.	County.	State.					

In no case shall any name be entered in said register excepting upon the personal application to said district board of the person desiring to be registered. Said district boards shall have the same powers and perform the same duties as are conferred upon and required of boards of registration under the laws of this State, and the same rules and requirements shall be observed in such registration in all respects as are required by said laws excepting as amended or modified by this act. When such registration shall be completed the former registration of electors in such wards or districts shall be deemed invalid and shall not be used at the ensuing election; and no person shall vote at any public election in said wards or districts after such re-registration whose name shall not be registered anew, under the provisions of law, except such persons as were absent from the city or sick during the hours of the sessions of said district boards and who shall then qualify according to law.

SEC. 3. On the second Thursday, Friday, and Saturday next preceding the general elections, and on the second Friday and Saturday next preceding the annual city elections of the city of Detroit, in every year other than that for which a re-registration of voters is provided for and not afterwards, and on the second Friday and Saturday next preceding the spring elections the district boards of registration of said city shall be in session in their respective districts at such places as shall be fixed and designated by the board of commissioners of registration and election, from ten o'clock in the forenoon to eight o'clock in the afternoon of each of said days, without intermission. The board of commissioners of registration and election shall cause like notice of such session to be given as is provided in the preceding section. At the sessions of said district boards of registration provided for in this section, they shall review and complete the list of qualified voters, as provided by law; and in case of new names being registered the information provided for in the preceding section shall be entered. In order to prevent, so far as possible, the blotting, mutilation, or disfigurement of said registration of electors, it is enacted that no name shall be

District board
of registration,
session of.

Notice.

Names to be
registered by
members of
board.

Proviso.

Application to register must be personal.

Board to sign upon each page of register.

City board of registration.

entered in such registers excepting in the handwriting of one of the district board of registration, and then only by direction of the proper board during its session; and no member of said board shall write or make any entry in said register excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein excepting inspectors of election, as provided by this act: *Provided*, That any elector desiring to enter his name in his own handwriting may do so, if the board shall have decided that such elector is entitled to be registered; but when any person shall have ceased to be an elector of any ward or election district, the district board of registration for such ward or district, at its session, may note the fact in red ink across the name of such elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said registers excepting upon the personal application of an elector desiring his name to be registered; and upon due examination made, as required by law, the said district board of registration being expressly prohibited from entering any names except upon such personal application at the place of registration. The district board of registration in each ward and district shall require each applicant for registration to state whether he has previously been registered in or resided in any other ward or district. Each board shall make a separate list of the new registrations made at their then session, particularly specifying in such lists those who have previously resided or been registered in any other ward or district, noting the previous place of residence of such person, and shall deliver such separate lists to the city board of registration, at its session hereafter provided to be held. At the close of the session of the district board of registration of each day during which sessions of said board are required by law to be held, it shall be the duty of said board to sign their names upon each page of the registers used by them immediately under the last name registered on each page on that day and in such manner as to prevent additional names being entered preceding the names of the board.

SEC. 4. The city board of registration shall assemble at the common council chamber in the said city of Detroit, on the Monday preceding any election to be held in said city, excepting special elections held for election of ward officers, at nine o'clock in the forenoon. On the organization of said city board, by the appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city; said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards or districts of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote.

SEC. 5. When any person shall apply to the inspectors of any election, excepting special elections for ward officers, in said city of Detroit, who has not been registered, to be registered by said inspectors, alleging that he was absent during the then last session of the board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, in addition to the statements required by section fourteen of this act, that he was absent from the city of Detroit during all the hours of said session, or sick and unable to attend throughout the entire time of said session.

Application to
inspectors of
election to regis-
ter.

SEC. 6. Whenever the common council shall order a special election to be held in any of the wards of said city for election of ward officers, said council, by resolution, shall direct the district boards of registration that last held their sessions in such ward to review and complete the list of qualified electors of such ward, on a day and at a place to be named in such resolution. Notice of the time and place of the session of said boards shall be published in at least two of the daily newspapers published in said city representing the two leading political parties in said city for at least four successive days prior to such session. It shall not be necessary to insert in such notice the names of registered electors, or post handbills containing the same, as in case of general or charter elections. The provisions of this act, or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof, and all other persons, in reviewing and completing the register of electors at such session; all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session as if the same were here again enacted. In case there may be any vacancy in the then board for such district or ward, the board of commissioners of registration and election shall fill the same: *Provided*, That said board shall fill said vacancy from the same political party to which the said absentee or absentees may belong.

Special elec-
tions.

Notice.

SEC. 7. All the provisions of the general laws of the State relative to the powers and duties of the boards of registration and election, and all requirements and provisions of said laws relative to the conduct of registration and election shall apply and be in full force in the city of Detroit, excepting as the same shall be altered or amended by this act.

Powers and
duties.

SEC. 2. That section one (1), two (2), and four (4) of chapter three (3) of said act be and the same are hereby amended so as to read as follows:

Sections
amended.

SEC. 1. The annual city election shall be held on the first Tuesday after the first Monday of November in each year at such places in the several wards as shall be designated by the board of commissioners of registration and election at least twenty days previous thereto, notice of which specifying also the officers to be elected and the time for opening and closing the polls shall immediately, or within three days after the date of such designation, be given by the city clerk by publication in two or more daily newspapers published in said city, representing the two leading political parties in said city. The time and place for holding a special election shall

Annual city
election.

Special election. be designated and the notice given thereof in the same manner and to the same effect.

Inspectors of election.

SEC. 2. The board of commissioners of registration and election shall, at least twenty days prior to any general or special election, appoint two inspectors of election for each election district of each ward of the city; one inspector so appointed in each district to be from each of the two political parties represented in the common council of said city. The two inspectors so appointed, together with one inspector to be elected by a *viva voce* vote of the electors of the district present at the opening of the polls at any election, shall form a board of inspectors for said election. Vacancies in any board of inspectors may be filled by the electors present by a *viva voce* vote:

Proviso.

Provided, Said vacancy shall be filled from the same political party to which said absentee or absentees may belong. Any election district so made shall remain an election district by itself until changed by the common council. Every elector shall vote in the ward and district in which he resides, as provided by law. The residence of an elector shall be the ward and district in which his family resides or in which is his regular boarding house.

Election district.

Where elector shall vote.

Clerks of election, their duties.

SEC. 4. The board of commissioners of registration and election shall appoint two competent clerks of the election for each election district of the city, who shall take the same oath as the inspectors, which oath either of the inspectors may administer. Said clerks shall, at the close of every election, certify the poll lists kept by them and one copy of all tally sheets and computation of votes used in determining such votes and shall return the same under seal to the city clerk of said city. All the ballot boxes used in each election district, throughout said city of Detroit, shall at the close of the determination by the board of inspectors of election of such district, of the vote cast at each election, be duly sealed with a seal to be furnished by the board of commissioners of registration and election, the ballots cast being first replaced in said boxes. All the boxes shall then be delivered into the custody of the metropolitan police officer in charge of the precinct and by said officer shall be immediately delivered to and deposited by said commissioners of registration and election in a room to be provided for that purpose by the city of Detroit, to be securely locked by a double lock, the key to one lock to be delivered to the president of said commissioners, and the key to the other lock to be delivered to and retained by the city controller. Both locks shall be sealed by the seal above mentioned, and said room and boxes shall in no case be removed or opened excepting upon an order of the board of aldermen or board of councilmen, or other legal authority.

Ballot boxes, how disposed of.

Approved April 9, 1885.

[No. 321.]

AN ACT to organize the Union school district of the village of Salem.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the limits following, to wit: Section fourteen (14) and section eleven (11), and the west half of the west half of section thirteen (13), the west half of the west half of section twelve (12), the southeast quarter and the southeast quarter of the northeast quarter of section ten (10), the northeast quarter of section fifteen (15), the northeast quarter of section twenty-three (23), the west half of the northwest quarter of section twenty-four (24), the west half of the southwest quarter of section one (1), and the east half of the southeast quarter of section two (2), situated in the township of Salem, county of Washtenaw, be and the same is hereby declared to be a graded or high school district, which shall be a body corporate, by the name and style of "Union School District of the Village of Salem," and by that name may sue for all lawful debts contracted by the board of trustees, and shall be subject to all the general laws of this State relative to corporations so far as the same may be applicable, and shall be subject to the same general laws as other school districts, as far as the same may be applicable. Territory incorporated.

SEC. 2. Said school district shall have all the powers conferred upon graded school districts by act number one hundred and seventy-four, public acts of eighteen hundred and eighty-one, and the acts amendatory thereof; and it is hereby provided that the first board of trustees of said school district shall be the following persons, whose names and terms of office are as follows, to wit: William Murray and Stephen C. Wheeler shall hold their said office respectively until the first Monday in September, eighteen hundred eighty-five, and until their successors are elected and qualified; Samuel D. Frederick and Walter P. Holmes, until the first Monday in September, eighteen hundred eighty-six, and until their successors are elected and qualified; George S. Wheeler and Dwella E. Smith, until the first Monday in September, eighteen hundred eighty-seven, and until their successors are elected and qualified. Powers of.

Ordered to take immediate effect.

Approved April 11, 1885.

[No. 322.]

AN ACT to amend section one of article two, section two of article three, sections two and five of article six, and section one of article twenty-five, of act number two hundred and fifty-seven of the session laws of Michigan, of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three, entitled "An act to incorporate the village of South Lyon," and to add a new article thereto, to be called article twenty-nine.

SECTION 1. *The People of the State of Michigan enact*, That an

Act amended. act entitled "An act to incorporate the village of South Lyon," approved April eighteenth, eighteen hundred and seventy-three, be amended by adding thereto a new article, to be called article twenty-nine, and by amending section one of article two, section two of article three, sections two and five of article six, and section one of article twenty-five, so as to read as follows:

ARTICLE II.

Village officers. SECTION 1. The officers of said village shall be a president, six trustees, one clerk, one marshal (who shall also be collector of taxes and assessments), one treasurer, one assessor, one police justice, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act.

ARTICLE III.

Officers to be elected, term of office. SECTION 2. At every election after the first there shall be elected one president, one clerk, one treasurer, one assessor, one police justice, who shall severally hold their office for one year, and three trustees, who shall severally hold their office for two years.

ARTICLE VI.

Board of trustees, their power. SECTION 2. The board of trustees shall have full power within said village—

First, To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act;

Second, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, and such other officers as they shall deem proper to require security from in the discharge of official duty;

Third, To provide for the care, custody, and preservation of the public property of said village;

Fourth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of any of them, and to prescribe the penalty therefor;

Fifth, To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same; and to organize a fire department and define their duties, and prescribe penalties for their delinquencies;

Sixth, To establish fire limits, within which no wooden buildings shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves and stovepipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same;

Seventh, To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gambling tables, or any other device or instrument for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation, or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors, and drunkards to be apprehended and punished;

Eighth, To prevent the selling or giving away of spirituous or fermented liquors;

Ninth, To license and regulate theatres, shows, traveling concerts, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village;

Tenth, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the streets unfastened;

Eleventh, To prevent and remove nuisances, and to punish persons for committing the same;

Twelfth, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance or obstruction;

Thirteenth, To regulate the storage of powder, naptha, nitroglycerine, combustible oils, lumber, and other combustible material;

Fourteenth, To prevent the use of firearms, slung-shots, metal knuckles, and other weapons;

Fifteenth, To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber;

Sixteenth, To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowl, from running at large in the streets of said village, under such penalties as they shall in the by-laws prescribe; and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

Seventeenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

Eighteenth, To erect lamps and cause the public grounds and such of the streets of said village as they shall deem proper to be lighted at such times, as in their judgment, the wants and interests of the village may require;

Nineteenth, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend;

Twentieth, To prevent the erection and provide for the removal of all buildings deemed unsafe;

Twenty-first, To regulate the placing and provide for the preservation of horse-posts and shade trees;

Board of trustees, their powers.

Twenty-second, To regulate, tax, or suppress all billiard or other tables for hire, gain, or reward ;

Twenty-third, To determine the grade of any railroad to be laid, altered, or constructed in said village; to regulate the use and speed of locomotives, engines, and cars upon the railroads within said village. To compel railroad companies, their officers, agents managers and employes, to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens or other persons ;

Twenty-fourth, To establish, regulate, and preserve public reservoirs, wells, and pumps, to construct reservoirs and wells, and to provide water and water-works for the extinguishment of fires and for other purposes ;

Twenty-fifth, To secure said village and its inhabitants, by the appointment of special police, or by any other means by them deemed necessary, against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace ;

Twenty-sixth, To offer rewards for the apprehension and arrest of those who may be guilty of offenses committed in said village against the ordinances thereof, or against the laws of the State of Michigan ;

Twenty-seventh, To enact all ordinances and make all such regulations not in violation of the constitution and general laws of the State as may be necessary for the safety and good government of the village and the general welfare of its inhabitants, and to carry out and put in force all the provisions of this act and the powers conferred upon said village of South Lyon.

Taking private property for public use.

SEC. 5. The board of trustees may take the land of any individual for the purpose of constructing, widening, or extending any highway, street, alley, lane, ditch, drain, or sewer, for the purpose of laying or extending the water-pipes or mains of the village.

ARTICLE XXV.

Power to borrow money.

Proviso.

Notice.

SECTION 1. The board of trustees of said village shall have power to borrow money upon the bonds of said village for public improvements, fire protection, or water-works for said village not exceeding the sum of ten thousand dollars in any one year: *Provided,* Consent of the majority of the inhabitants of said village authorized to vote, who are present and voting at an annual or special meeting called for that purpose, first be obtained. Notice of which meeting having been given by the clerk of said village by publishing the same in a newspaper published in said village for a period of not less than two weeks, and by posting the same in five of the most public places in said village at least two weeks prior to said annual or special meeting. Which said notice shall state the sum so proposed to be raised, the object for which it is proposed, the manner and times of payment of the said bonds, the maximum rate of interest to be paid thereon and the place in said village at

which the polls shall be open for the deposit of ballots upon such proposal, and the hours at which said polls shall be open, which shall not in any event be less than the time for holding open the polls of any general election under the laws of the State of Michigan.

Polls, open and close.

ARTICLE XXIX.

SECTION 1. Prosecutions for violations of the ordinances of said village shall be commenced within two years after the commission of the offense, and shall be brought before the police justice provided for by this act; such justice shall have authority to hear, try, and determine all causes and suits arising under the ordinances and by-laws of the village, and to inflict punishment for the violation thereof, as provided in the ordinances of said village.

Prosecutions must be within two years.

Police Justice.

SEC. 2. Whenever a penalty shall be incurred for the violation of any ordinance or by-law, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt or in assumpsit; and when a corporation shall incur a penalty for the violation of any such ordinance or by-law, the same shall be sued for in one of the actions aforesaid. Prosecution for violations of the ordinances and by-laws of the village may in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of and be substantially of the form and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace, and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution thereof shall, except as otherwise provided, be governed by and conform as nearly as may be to the provision of law regulating the proceedings in criminal cases by justices of the peace.

Penalty, how recovered.

Prosecution commenced by warrant.

Proceedings the same as criminal cases by Justices.

SEC. 3. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance or by-law, to state or set forth such ordinance or by-law, or any of the provisions thereof, in any complaint, warrant, process, or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting its title, and the date of its passage, adoption, or approval, and shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and allege the same to be in violation of an ordinance or by-law of the village, referring thereto by its title and the date of its passage, adoption, or approval. In all prosecutions for violations of the ordinances or by-laws of the village, either party may require a trial by jury.

By-law or ordinance may be cited by its title, etc.

Cause of action, how stated.

Jury, trial by.

SEC. 4. In all suits commenced by warrant, for the violation of any ordinance or by-law of said village, and in all suits to which

Appeal.

Certiorari.	the village may be a party, brought to recover any penalty for such violation, either party may remove the judgment and proceedings into the circuit court for the county of Oakland by appeal or writ of <i>certiorari</i> , and the proceedings and disposition of the cause in the circuit court, shall be the same as an appeal and <i>certiorari</i> in criminal cases cognizable by justices of the peace, if the case was commenced by warrant, and in all other cases the proceedings shall be as in cases of appeal and <i>certiorari</i> in civil suits, except that the village shall not be required to give any bond or security thereon.
Prison, watch or station house.	SEC. 5. The board of trustees may provide and maintain a village prison, and such watch or station-houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the village, and for the employment of those imprisoned therein; but until such prison is built, the village shall be allowed the use of the common jail of the county of Oakland, as provided in section one of article twenty-six. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for non-payment of fines, for violation of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the trustees may provide.
Jail.	
Fines, etc.	SEC. 6. All fines, penalties, and forfeitures recovered before said police justice, for the violation of any of the ordinances or by-laws of said village, shall be paid into the village treasury. The justice receiving any such fine or penalty shall report to the board of trustees at the first regular meeting thereof in each month, the number and name of each person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and all moneys by him received for or on account thereof, and such report shall be on oath; which moneys so received, or which may be in his hands collected on such fines, penalties, or forfeitures, shall be paid into the village treasury on the first Monday of each and every month, and said justice shall take the treasurer's receipt therefor in duplicate, one of which shall be filed with the village clerk, previous to the said regular monthly meeting of said board of trustees.
Justice, report monthly.	
Receipt.	SEC. 7. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same, pursuant to the foregoing provision, it shall be the duty of the board of trustees to cause suit to be commenced immediately therefor, in the name of the village of South Lyon, and to prosecute the same to effect. Any person receiving any such fine who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and be punished accordingly.
Fines, neglect to pay over, a misdemeanor.	
Village to prosecute.	SEC. 8. The said police justice or any other officer performing the duties of such in the prosecution of the ordinances or by-laws of said village, shall receive the same fees for said duties as is prescribed for like duties by the laws of this State, and no other, which shall be paid by the village treasurer upon the order of the board of trustees, as in case of other bills against said village as
Police justice fees.	

prescribed in the charter of said village, and their bills shall be received and audited by said board in the same manner as other bills.

SEC. 9. Said board of trustees shall require of such police justice such bonds for the faithful performance of his duties as they shall deem adequate. Bonds.

SEC. 10. In case of the temporary absence or sickness of said police justice, or any other disqualification, any justice of the township of Lyon, who is a resident of the said village, is hereby empowered to perform the like duties and subject to the same restrictions as said police justice. Resident justice may perform duties of police justice.

Ordered to take immediate effect.

Approved April 11, 1885.

[No. 323.]

AN ACT to amend section one of act number three hundred and seventeen of the session laws of eighteen hundred and eighty-three entitled "An act to organize a public library in West Bay City."

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to organize a public library in West Bay City," approved June fifth, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 1. That the resident clergymen of the following church organizations, that are now organized or shall hereafter be organized in West Bay City, viz: The Presbyterian church, the Methodist Episcopal church, the Baptist church, the Congregational church, the Episcopal church, the Catholic church, the German Lutheran church, the Swedish church, the Universalist church, and each of them which maintain an organization in said city, the president of the board of education in said city, the superintendent of public schools in said city, the mayor of said city, and five citizens of said city, to be provided for as hereinafter authorized, shall be a board of trustees for the public library of said city, and are and shall be authorized to purchase, or to receive by gift, grant, or conveyance, property real and personal for the purpose of maintaining a public library in said city; and all public moneys which are now or shall be hereafter appropriated by law to the support of a public library in said city shall be expended under the direction of said board of trustees; and the title to all property purchased therewith shall vest in such board of trustees for the use and benefit of said city, and the library shall be known as the Sage library of West Bay City. Board of trustees of the public library, their powers and duties.

Ordered to take immediate effect.

Approved April 16, 1885.

[No. 324.]

AN ACT to detach township twenty-four (24) north, of range one (1) west from the township of Higgins, in the county of Roscommon, and organize a new separate township of said territory, to be known as the township of Richfield.

Territory detached and organized.

SECTION 1. *The People of the State of Michigan enact*, That township twenty-four (24) north, of range one (1) west, now forming part of the organized township of Higgins, in the county of Roscommon, be and the same is hereby detached from the said township of Higgins and organized into a separate township, to be known as the township of Richfield.

First meeting.

SEC. 2. The first annual meeting of the said township of Richfield shall be held at the residence of William A. Hubbard, in said township of Richfield, and William A. Hubbard, James Nolan and Daniel Church are hereby made and constituted a board of inspectors of said township election, and at such election the qualified electors shall choose, by ballot, persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

Board of inspectors.

Meeting may be held at other than time appointed.

Notice.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall be lawful to hold the same at any time hereafter, by giving at least ten (10) days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.

Vacancies in board of inspectors.

SEC. 4. If for any reason all, or either of the inspectors hereby appointed, shall neglect or be unable to attend the first township meeting, at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to be present at said meeting.

Board of registration.

Where to meet.

SEC. 5. William A. Hubbard, Daniel Dennis, and Samuel D. Woodever, or a majority of them, shall constitute a board of registration with the same powers and duties as those of township boards of registration in other cases, and the holding of the sessions of said board of registration shall be at the house of said William A. Hubbard on the Saturday preceding said election.

Ordered to take immediate effect.

Approved April 16, 1885.

[No. 325.]

AN ACT to detach certain territory from the township of Kawkawlin and attach the same to the township of Bangor in Bay county.

SECTION 1. *The People of the State of Michigan enact*, That sec-

tions three, four, five, and six in township fourteen (14) north, of range five (5) east, and that part of section thirty-two (32) lying south of the Kawkawlin river, and all of fractional section thirty-three (33) lying south of the Kawkawlin river and Saginaw Bay, and fractional section thirty-four (34) in township fifteen (15) north, of range five (5) east, be and the same is hereby detached from the township of Kawkawlin in Bay county, and attached to the township of Bangor in said county.

Territory detached and attached.

This act is ordered to take immediate effect.

Approved April 18, 1885.

[No. 326.]

AN ACT to attach certain territory to graded school district number one of L'Anse township, Baraga county, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory be and the same is hereby attached to graded school district number one of L'Anse township, Baraga county, Michigan: Sections nineteen (19), twenty (20), twenty-one (21), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), and thirty-three (33), all in township fifty (50) north, of range thirty-three (33) west, also the entire township of forty-nine (49) north, of range thirty-three (33) west.

Territory attached.

SEC. 2. Said territory, when so attached, shall form and constitute a part of said graded school district, for all school purposes whatsoever.

Graded school district.

Ordered to take immediate effect.

Approved April 23, 1885.

[No. 327.]

AN ACT to establish and maintain a free public library in the city of Jackson.

SECTION 1. *The People of the State of Michigan enact*, That the school board of school district number one, the school board of school district number seventeen, and the directors of the Young Men's Association, all of the city of Jackson, may unite the several libraries of school district number one, of school district number seventeen, and of the Young Men's Association, to form with such additions as may from time to time be made to said libraries, a free public library in and for the city of Jackson, to be held, maintained, and governed by the provisions of act one hundred and sixty-four of the laws of eighteen hundred and seventy-seven, except section twelve of said act one hundred and sixty-four: *Provided*, That the common council of the city of Jackson shall "establish and maintain a public library and reading room for the use and benefit of the inhabitants of said city," as provided in said act one hundred and sixty-four, in which case said library shall consist of those above named, with such additions as may be made thereto by

A free public library.

Provided.

the funds derived from the library fund of said school districts, from the Young Men's Association, and from the tax raised under said act one hundred and sixty-four.

This act is ordered to take immediate effect.

Approved April 23, 1885.

[No. 328.]

AN ACT to reincorporate the village of Marine City, in St. Clair county.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country in the county of St. Clair, in the State of Michigan, described as follows, to wit: Commencing at the northeast corner of fractional section number six, in township number three north, of range number seventeen east, at the northeast corner of said township on the margin of St. Clair river, thence west on the north line of said township, to township number three north, of range number sixteen east; thence west to the center of Belle river; thence southeasterly down the center of said river to the junction of Belle river and the St. Clair river, thence northeasterly up the west channel bank of the St. Clair river to the place of beginning, be and the same hereby is reincorporated under the name and title of the village of Marine City.

Officers to con-
tinue.

SEC. 2. The officers of said village now in office shall continue in office with the same duties as are conferred by this act upon like officers until their successors shall be elected pursuant to the provisions of this act and the general law relating to the incorporation of villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and the laws supplementary and amendatory thereto.

Acts valid.

SEC. 3. All resolutions, ordinances, by-laws, and orders of said village enacted or purporting to have been enacted by the common council of said village as heretofore incorporated are hereby declared to be valid and shall continue in force until repealed: *Provided*, The provisions of this section shall not affect any action or defense now pending, or any existing right of action or defense.

First election.

SEC. 4. The first election under this act shall be held on the second Monday in March, one thousand eight hundred and eighty-six, at the village of Marine City. Notice of the time and place of holding said election shall be given in the same manner as is provided in section four of chapter three of said general law relating to villages hereintofore mentioned, and the manner of conducting said election shall be the same as provided in said act.

Incorporated
under general
laws.

SEC. 5. Said village of Marine City is hereby incorporated under and subject to the general law of this State for the incorporation of villages, and acts amendatory thereto, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five.

Said village shall possess all the powers given and be subject to all the duties and liabilities imposed by said act and the acts supplementary and amendatory thereto.

SEC. 6. Said village of Marine City as reincorporated shall own and possess all the property and rights of whatever kind or nature and be subject to all the liabilities and obligations of the said village as heretofore incorporated. Rights and Liabilities.

SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved April 23, 1885.

[No. 329.]

AN ACT to prohibit the taking or catching of fish in Gun Lake, in the counties of Barry and Allegan, by means of spears, nets, fire arms or artificial lights, or explosive substances.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person to take or catch any fish in the waters of Gun Lake, in the counties of Barry and Allegan, by means of spear, fire-arm, net, trap-net, snare, or by the use of "jacks" or artificial light of any kind, or by the use of dynamite, giant power, or any other explosive substance or combination of substances. Certain ways of taking fish unlawful.

SEC. 2. Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars and costs of suit, or imprisonment in the county jail not to exceed sixty days, or both such fine or imprisonment, in the discretion of the court. A misdemeanor. Punished by.

SEC. 3. In all prosecutions under this act, it shall be *prima facie* sufficient on the part of the people to show that the defendant was found upon the waters of said lake with spear, net, trap-net, "jack" or artificial light of any kind, or with dynamite, giant powder, or any other explosive substance or combination of substances. Evidence required.

Approved April 23, 1885.

[No. 330.]

AN ACT to re-incorporate the village of Au Sable, in Iosco county.

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country within the township of Au Sable in the county of Iosco, and State of Michigan, known, bounded and described as follows, to wit: Commencing at the quarter post in the center of section nine (9) in town twenty-three (23) north, of range nine (9) Territory re-incorporated.

east, running thence north on the quarter lines between the east and west half of sections nine (9) and four (4) of said township to the north line of section four (4) in said township, thence east on the north line of said section four (4) to the center of the Au Sable river; thence southeasterly on the line of the center of said river to the center of the State road bridge, thence easterly on the town road leading from said bridge to Lake Huron, thence southerly on the shore of Lake Huron to the quarter line between the north and south half of section ten (10) in town twenty-three (23) north, of range nine (9) east, thence westerly on said line to the place of beginning, be and the same is hereby re-incorporated as the village of Au Sable.

Officers to continue in office.

SEC. 2. The officers in said village now in office, shall continue therein, with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected pursuant to the provisions of this act, and the general law relating to villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the laws supplementary and amendatory thereto.

Ordinances, etc., to continue in force.

SEC. 3. All existing ordinances and resolutions of said village of Au Sable shall continue in force until repealed by the common council of said village.

First election, when and where held.

SEC. 4. The first election of officers under the provisions of this act shall be held at the village hall, in said village of Au Sable, on the third Monday in May, in the year of our Lord eighteen hundred and eighty-five. The polls shall be opened at the time, and the said election shall be held and conducted in all respects as provided for in the general act for the incorporation of villages, and the village president, recorder, and one acting trustee, to be named by the common council, shall be the village board of registration for the present year, and shall act as such board in the manner and at the time and place directed, and the legal voters of said village shall be registered, as provided for by said act for the incorporation of villages, referred to in section two of this act.

Board of registration.

Notice.

SEC. 5. Notice of the time and place of holding the first election, as provided for in the preceding section, shall be given by the present village clerk, in said village, in the same manner as is directed for the giving of said notice by the village clerk in section four (4), of chapter three, of said general act for the incorporation of villages, and referred to in section two of this act.

Rights of action.

SEC. 6. All rights of action which may have accrued to said village as heretofore incorporated, and all property, both real and personal, belonging to the same shall survive and belong to, and may be enforced and disposed of by the village corporate created by this act and all liabilities of said previously existing village corporate shall be assessed and paid by the village created by this act.

Powers and duties of.

SEC. 7. The said village of Au Sable, in all things not herein otherwise provided for, shall be governed and its powers and duties defined by act number "Sixty-two" of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April

first, eighteen hundred and seventy-five, and the acts amendatory thereto.

This act is ordered to take immediate effect.

Approved April 24, 1885.

[No. 331.]

AN ACT to amend the charter of the city of Ann Arbor.

SECTION 1. *The People of the State of Michigan enact*, That section six of title three of act number four hundred and two, of the session laws of eighteen hundred and sixty-seven, approved March twenty-third, eighteen hundred and sixty-seven, entitled "An act to revise and amend an act to incorporate the city of Ann Arbor, approved April fourth, eighteen hundred and fifty-one, and an act amendatory thereto, approved February twelfth, eighteen hundred and fifty-nine, and also an act amendatory thereto, approved February twenty-fifth, eighteen hundred and sixty-one," as amended by act number two hundred and seventeen of the session laws of eighteen hundred and seventy-three; also section two of title four of said act; also section one of title six of said act, are hereby amended so as to read as follows:

TITLE III.

SECTION 6. The city treasurer shall have the custody of the money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council, and upon warrants drawn by the mayor and recorder, or for school purposes by the proper officers: *Provided*, That the common council may, in its discretion, contract with any bank or banks in said city, incorporated under any law of the State or United States, for the safe keeping of any moneys belonging to said city, and for the payment by such bank or banks of interest thereon, at a rate not exceeding that established by law, which interest shall be credited by the treasurer to the contingent fund of said city. The common council may prescribe the conditions relative to the making such contract, and the securities to be given by any bank or banks for the moneys so deposited: *Provided further*, That neither the city treasurer nor his bail shall be held responsible for any moneys deposited in any bank or banks pursuant to the terms of any contract made as in this section authorized. The treasurer shall also have such powers and perform such duties, in relation to the collection of taxes, as are prescribed for township treasurers by statute, and shall also perform such other duties in respect to the collection of city taxes as shall be provided by the common council. He shall, once in each year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands, upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office, when required.

Sections amended.

Treasurer.

Money paid out upon order of common council.

Money may be deposited with bank.

Interest to be credited to contingent fund.

Treasurer not responsible.

His duties.

TITLE IV.

General powers
of common
council.

SECTION 2. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, interests, buildings, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, modify, establish, amend, and repeal such ordinances, by-laws, and regulations as they deem desirable, within said city, for the following purposes :

Vice and im-
morality.

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain, and regulate a police of the city, to prevent and quell riots, disturbances and disorderly assemblages, to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Houses of ill-
fame, etc.

Second, To restrain and prevent disorderly and gaming houses and houses of ill-fame, and seize all instruments and devices used for gaming, and to prohibit all mock auctions, gaming, and fraudulent practices and devices, and to regulate and restrain billiard tables and bowling alleys;

Vending of
liquors.

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drunk, any intoxicating or fermenting liquors to any common drunkards, or to any child or young person, and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and fix the fees to be paid by and to auctioneers :

Theatrical
exhibitions, etc.

Fourth, To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, except exhibitions given by agricultural or educational societies or associations;

Nuisances.

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, slaughter-house, glue, starch, or soap factory, establishment for rendering tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on, blacksmiths', coopers', cabinet makers', carpenters' and joiners' shops, and all buildings, business, and establishments of any kind usually classed as extra hazardous in respect to fire, tannery, stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as for the health, comfort and convenience or safety of the inhabitants of said city may require ;

Slaughter
houses, etc.

Sixth, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible or explosive substances ;

Fire works, etc.

Seventh, To regulate the buying, carrying, selling, and using of gunpowder, fire-crackers or fire-works manufactured or prepared

therefrom, and other combustible materials, and the exhibitions of fire-works and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;

Eighth, To prevent the incumbering of streets, side-walks, cross-walks, lanes, alleys, bridges or aqueducts, drains or ditches, in any manner whatever; Streets, side-walks, etc.

Ninth, To prevent and punish horse-racing and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city; Horse-racing, etc.

Tenth, To authorize any railroad in said city to determine and designate the route and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city; Railroads, locomotives, etc.

Eleventh, To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city, and to provide for the cleansing of the river Huron and other streams in said city; Bathing. Indecent exposure of person.

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever; Drunkards, vagrants, etc.

Thirteenth, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding; Pounds.

Fourteenth, To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog-fights in the streets; Dogs.

Fifteenth, To prohibit any person from bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city; Dead carcass.

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or other obstructions; Cleaning sidewalks, etc.

Seventeenth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; Ringing of bells

Eighteenth, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies; Watchmen.

Nineteenth, To prohibit, restrain or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing, or placing of wooden buildings therein, to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars; Buildings.

- Burial grounds.** *Twentieth,* To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; to regulate the burial of the dead, and to compel the keeping and return of bills of mortality;
- Markets.** *Twenty-first,* To establish, order and regulate the markets; to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions; impure, spurious, or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale; *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats, by the quarter, within the limits of the city;
- Proviso.**
- Water supply.** *Twenty-second,* To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; to authorize and empower, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city, for the purpose of supplying the inhabitants of said city with water; to grant such exclusive privileges as they may deem expedient, to any company organized to supply said city and its inhabitants with water; to contract with such company to supply the city with water for fire and other public purposes; and to annually levy and collect, as other taxes are levied and collected, a sum not to exceed five thousand dollars, to pay for the supply of water so contracted for and furnished.
- Tax for.**
- Sextons, undertakers, cartmen, hackmen, chimney sweeps, hotels, saloons, etc., license.** *Twenty-third,* To regulate sextons and undertakers for burying the dead; cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensations; and to make regulations for preventing auctions, peddling, pawn-brokerage, or using for hire carts, drays, cabs, hacks, or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon, or other house, or place for furnishing meals, food or drink, or billiard tables or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks and all carriages or vehicles kept or used for hire; auctioneers, peddlers, pawn-brokers, auctions, peddling, pawn-brokerage, taverns, hotels, victualing houses, saloons, and other houses and places for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming;
- Soliciting passengers.** *Twenty-fourth,* To prevent runners, stage-drivers, and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or other-where;
- Lighting streets, etc.** *Twenty-fifth,* To make regulations for the lighting of the streets and alleys, and the protection and safety of public lamps;
- Numbering buildings.** *Twenty-sixth,* To provide for and regulate the numbering of the buildings upon the streets or alleys and to compel the owners or occupants of buildings to affix numbers on the same;

Twenty-seventh, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties and the time for executing the same, in cases not otherwise provided for by law; Duties of officers.

Twenty-eighth, To preserve the salubrity of the waters of the Huron river, or other streams within the limits of the city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient; Huron river, etc.

Twenty-ninth, To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city; Stands for carriages, etc.

Thirtieth, To provide for taking a census of the inhabitants of said city, whenever they may see fit, and to direct and regulate the same; Census.

Thirty-first, To establish a grade for streets and sidewalks, and cause the sidewalks to be constructed in accordance with the same; Grades for streets, etc.

Thirty-second, To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided. Sealer of weights.

TITLE VI.

SECTION 1. The common council shall be the commissioner of highways for said city, and shall have the care, supervision and control of the highways, streets, bridges, lanes, alleys, parks, and public grounds therein, and of keeping, preserving, repairing, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks, and public grounds. The common council shall have power to regulate the time and manner of working upon the streets; to provide for grading and paving the same; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to provide for the erection, preservation and maintenance of lamp-posts and lamps in said streets, and to provide for lighting the same; to provide for the planting and protection of shade trees along the sides of the streets and on public grounds in said city, and to keep such public grounds in good condition; to lay out, open and repair streets and alleys, and the same to alter and vacate, and to alter and vacate those already laid out. Whenever the common council shall be applied to in writing by ten or more freeholders of said city, to lay out, establish, open, alter or discontinue any street, common, lane, alley, sidewalk, highway, water course, or bridge, said council shall give notice thereof to the owners, or occupants, or persons interested, or his or their agent or representative, by personal service, or by posting up notices in five or more public places in the city, stating the time and place when and where the common council will meet to consider the same, which notice shall describe the street, lane, common, alley, Common council to have control of streets, etc.
Lamp-posts, etc.
Shade trees.
To open streets.
Notice.

sidewalk, highway, water course or bridge proposed to be laid out, altered, opened, established or discontinued, and which notice shall be posted at least ten days before the time of meeting. If after hearing the persons interested, who may appear before them, the common council shall determine to lay out, alter, or discontinue any street, lane, or alley, they may proceed to obtain a release of the right of way for the proposed street, or of the damages accruing to abutting owners in case of a discontinuance, by gift or purchase.

Release. If the terms of such release shall not be agreed upon, it shall be lawful for the mayor, or in case the mayor shall be absent, for the recorder, to apply to any justice of the peace of said city for the appointment of a jury of twelve freeholders of the county, to appraise the damage thereon to such person as shall not have released all claim for damages, or agreed with the common council on the price to be paid by reason of the establishing, laying out, opening, altering or discontinuing such street, common, lane, alley, sidewalk, highway, water course or bridge, which application shall describe the premises through which it is proposed to open, alter, lay out, establish or discontinue such street, common, lane, alley, sidewalk, highway, water course or bridge. Upon the receipt of such application, said justice shall make a list of twelve disinterested freeholders residing in the county, and shall issue a *venire*, under his hand, directed to the marshal of said city, or any constable of said county, commanding the officer therein named to summon the persons named in said list, to be and appear at his office on some day to be therein named, not less than six days nor more than twelve days from the time of issuing the same, to serve as jurors to appraise the damages occasioned by taking the property described in such application for the purposes of such street, common, lane, alley, sidewalk, highway, water course or bridge, or for discontinuing the same; and if all the jurors shall not appear, the said justice shall cause a sufficient number of talesmen to be summoned to make a full jury. The jurors shall be sworn by such justice to appraise the damages occasioned by taking the property described in such application for the purposes aforesaid, or by any discontinuance. They shall proceed to view the premises described, and shall, within five days thereafter, make returns to the said justice in writing, signed by them, of their doings, which shall state the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said justice and filed in the recorder's office. Such jurors shall be entitled to receive one dollar per day, and fifty cents for each half day, and the justice and marshal or constable each one dollar for their fees; and the award of said jury shall be final and conclusive. The damages which shall have been awarded as heretofore provided, or which shall have been contracted to be paid by said common council as in this section provided, and the fees and charges lawfully incurred, shall be levied and collected in said city, and shall be paid on the order of the common council as other city charges, and such order for damages shall be delivered or tendered to the person or persons in whose favor such award of

Jury.

Application.

Venire.

Talesmen.

Return of jury.

Fees.

Damages to be paid when.

damages shall be made, if known, and residents of said city, before such street, lane or alley shall be opened or used: *Provided*, The parties in whose favor an award of damages shall be made are unknown or be non-residents, it shall be sufficient to make the award of damages to the “unknown owner or owners, or non-resident owner or owners,” of the parcel of land taken, describing it as the parcel through which the street, lane, alley, sidewalk, bridge or highway may run; and the unknown parties or non-residents shall be entitled to receive their orders as aforesaid upon proof to the common council of their ownership of said property so appropriated to the public use: *Provided further*, That no second application shall be made for the same purpose within twelve months. Proviso.
Second applica-
tion.

This act is ordered to take immediate effect.

Approved April 25, 1885.

[No. 332.]

AN ACT to provide for a uniform system of examination of teachers for the county of Alpena.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any school officer, district board, or board of education of any school district in the county of Alpena, organized under a special act of the Legislature, to employ or contract with any person to teach in any of the public schools of said county who has not a certificate in force from proper legal authority and granted in pursuance of the general and public school laws of the State: *Provided*, That the provisions of this act shall not apply to the board of education of union school district of the city of Alpena. Teachers.
Proviso.

SEC. 2. In the selection and appointment of the county school examiners, the chairman or president of the board of education of any school district in said county, organized under special acts of the Legislature, shall possess all the powers and privileges conferred by the general school laws of this State upon the chairman of the board of school inspectors of a township, and the boards of education of such districts shall stand in the same relation to county board of school examiners as do the boards of school inspectors of a township under the general school laws of this State with respect to their powers, duties, and responsibilities. President of
board.
Board of educa-
tion.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

Ordered to take immediate effect.

Approved April 28, 1885.

[No. 333.]

AN ACT to authorize the township of Spalding, in Saginaw county, to borrow money to be used either in purchasing the bridge of the Cass River Bridge Company, heretofore constructed across Cass river, in raising above high water mark and grading the quarter-line road leading to said bridge, including the approaches thereto, or in the construction of a new bridge, and to issue bonds therefor.

Authorized to borrow money.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Spalding, in Saginaw county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township, a sum not exceeding six thousand dollars for a term not exceeding ten years, at a rate of interest not exceeding six per cent per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Special election to vote to borrow money.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township voting at a special election to be called for the purpose of voting on said loan shall so determine, and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof, by causing the date, place of voting, and object of said election, to be stated in written notices, and by posting said notices in five public places in said township not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

Notice.

Ballots.

SEC. 3. The vote upon the proposition of said loan shall be by ballots, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—yes;" and the ballots against the same shall be in the following words: "For the bridge loan—no." And it shall be the duty of said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other special township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election, such inspectors shall endorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township.

Election, how conducted.

SEC. 4. Any money borrowed under the provisions of this act shall be expended for one of the following purposes, which purpose shall be determined as provided in section five of this act, viz.: Money, how expended.

First, In the purchase of "The Cass River Bridge Company," its bridge heretofore constructed over said Cass river at a point where the quarter-line, running north and south through sections twelve and thirteen in said township, crosses said river, and in raising and grading said quarter-line road in sections twelve and thirteen;

Second, In raising and grading said quarter-line road, in said sections twelve and thirteen, without the purchase of said bridge;

Third, In the construction of a new bridge over and across said river, on the town line between the township of Bridgeport and said township of Spalding, and in constructing and grading the approaches thereto; and for no other purpose whatever.

SEC. 5. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township shall determine, at the special election provided for in section two of this act, which one of the three purposes mentioned in the preceding section for which said money is to be expended; and the vote upon said propositions shall be by ballots, either written or printed, or partly written and partly printed. Ballots in favor of said propositions shall be in the following words: "For the purchase of the Cass River Bridge Company's bridge—yes;" "For the raising and grading of the quarter-line road—yes;" "For the construction of a new bridge—yes;" and ballots against the same shall be in the following words: "For the purchase of the Cass River Bridge Company's bridge—no;" "For the raising and grading of the quarter-line road—no;" "For the construction of a new bridge—no." And it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against said propositions, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. Said votes shall be canvassed, and the inspectors of the election shall make and sign their certificates thereof, and make their declaration of the result of such vote, in all respects the same as is provided in section three of this act. And in case a new bridge is determined upon, said township board shall cause the necessary plans and specifications to be made, and proceed to advertise in two of the East Saginaw daily papers for sealed proposals for the construction and building of such bridge, which advertisement shall be published at least once in each week for three successive weeks prior to the day fixed for the opening of such proposals, and shall let the contract for the performance of such work to the lowest responsible bidder. Condition upon which money shall be borrowed.

SEC. 6. In case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installment of the principal thereof falling due in any such year, but no more Ballots.

Plans and specifications.

Sealed proposals.

To be let to the lowest responsible bidder.

Taxes to pay interest, etc.

\$1,000 in one year.

than one thousand dollars of such principal shall be made to become due in any one year, and the said interest shall be payable by said treasurer when the same shall become due on the presentation to him of the proper coupons and the said principal shall be payable by said treasurer when the same shall become due, on presentation to him of the proper bond.

Ordered to take immediate effect.

Approved April 28, 1885.

[No. 334.]

AN ACT to re-incorporate the village of Roscommon, Roscommon county.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described lands and territory lying and being within the present limits of the township of Higgins, county of Roscommon, State of Michigan, to-wit: The southwest quarter of section five and southeast quarter of section six, northeast quarter of section seven and the northwest quarter of section eight, all being in township number twenty-four north, range two west, be and the same is hereby made and constituted a village corporate, by the name, style, and title of the village of Roscommon.

Registration board.

SEC. 2. The present village board of the village of Roscommon are hereby appointed and constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and the said board of registration are hereby required to meet at the council room in the village of Roscommon, on the Saturday next preceding the fourth Monday in May, in the year of our Lord one thousand eight hundred and eighty-five, and register the names of all persons residents of said village presenting themselves for registration and having the necessary qualifications of voters of said village, due notice of which shall be given by said board in the same manner and time as provided in section three of this act.

When to meet.

Notice.

First election.

SEC. 3. The first election of officers of said village shall be held on the fourth Monday in May, in the year of our Lord one thousand eight hundred and eighty-five, at the council room in said village of Roscommon, due notice of which shall be posted in three of the most public places in said village, by the board of registration hereinbefore appointed, at least ten days previous thereto.

Election may be held within one year.

SEC. 4. In case the said officers are not elected at the time designated in section three of this act, an election for officers may be had at any time within one year from the time so designated in section three of this act, on notice being given as provided in said section.

By-laws, etc., remain in force.

SEC. 5. All the by-laws and ordinances of said village now in force not inconsistent with the provisions of this act are hereby legalized and shall continue in full force until the same shall be changed or repealed according to law.

SEC. 6. The president of said village shall be *ex-officio* a member of the board of supervisors of said county of Roscommon. President ex officio member of the board of supervisors.

SEC. 7. The said village of Roscommon shall, in all things not herein otherwise provided, be subject to and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages." Said village as incorporated shall possess all the property and rights and be subject to all the liabilities and obligations of the village as heretofore incorporated. Powers and duties of.

This act is ordered to take immediate effect.

Approved April 29, 1885.

[No. 335.]

AN ACT to restrict the powers of the commissioners of highways of the township of Republic, in the county of Marquette, and to authorize the township board of said township to provide for maintaining the streets, sidewalks, crosswalks, and alleys now or hereafter built in the village of Republic, and to maintain a fire department, and to regulate and license auctioneers and peddlers in said village.

SECTION 1. *The People of the State of Michigan enact*, That no contract for the building or repairing of any road, highway, or bridge in the township of Republic, shall be valid or of any force or effect until approved by the township board of said township, and no money shall be paid out of the highway fund of said township except on orders authorized by said township board, which orders shall be signed by the township clerk and countersigned by the supervisor of said township. Contracts for building roads, etc., must be approved by township board.

SEC. 2. Said township board shall have sole and exclusive control of all the highways, streets and alleys, sidewalks and crosswalks within the limits of the village of Republic, and for that purpose shall have all the powers now or hereafter conferred on highway commissioners by the general laws of the State. Township board to have control of highways, etc.

SEC. 3. The expense of maintaining the sidewalks now or hereafter built in said village shall be borne by the owners of adjoining real estate, and the township board is vested with full power to keep such sidewalks in repair, to collect the cost thereof from the owners of the real estate adjoining, and to provide suitable penalties, by by-laws, to be imposed on any person for neglecting to keep the sidewalk in front of his premises in good repair, after having been notified by the township board. For the purposes of this act, said village of Republic shall be deemed to consist of and include the recorded town plats of Iron City and additions thereto, made by Republic Iron Company. Sidewalks, how maintained.

SEC. 4. Said township board shall have power to maintain a fire department in said village, and to that end to employ and appoint firemen; to make and establish rules and regulations for the gov- Fire department.

ernment of the department, the employés and firemen, and for the care and management of the engines, apparatus and property pertaining to the department. The expenses of maintaining such fire department to be paid out of the liquor tax annually collected in said village, or if the liquor tax is insufficient, or ceases to be collected, then out of that portion of the township contingent fund collected in said village.

Hawkers and
peddlers.

SEC. 5. Said township board shall have power, by by-laws adopted at any meeting of such board, to license hawkers and peddlers of goods, wares and merchandise; to regulate and license auctioneers, and to license persons who sell goods by taking orders therefor and delivering the same by railroad, and may, at any meeting of said board, alter, amend, or repeal any by-law passed under the provisions of this act, and may make all needful rules and regulations for the issuing of such licenses, which licenses shall not exceed five dollars per week for pack peddlers, ten dollars per week for peddlers who use a horse and wagon or team of any description, twelve dollars per quarter for persons who go from place to place in said township, take orders for goods and deliver the same by railroad, and fifteen dollars per week for auctioneers.

Offenses, before
whom cogniza-
ble.

SEC. 6. All offenses against the provisions of sections three and five of this act shall be cognizable before any justice of the peace of said township of Republic, and the defendant, if convicted, shall be entitled to an appeal to the circuit court for the county of Marquette within the same time and in the same manner provided for taking appeals from justices courts in civil cases.

Penalty.

SEC. 7. Any person who violates any of the provisions of section three of this act shall forfeit and pay a penalty of ten dollars and costs, or be imprisoned not exceeding ten days, in the discretion of the court, and any person who violates any of the provisions of section five of this act shall forfeit and pay a penalty of not less than five dollars nor more than twenty dollars and costs for each offense or be imprisoned not exceeding thirty days, in the discretion of the court; costs to be the same as in civil actions in justices courts.

Execution
against goods
and body.

SEC. 8. In case the defendant, after judgment against him, refuses or neglects to pay the amount thereof, the justice may immediately issue an execution against his goods and chattels and his body; such executions to be in the same form as executions in civil cases in actions of *tort*, and shall be directed to the sheriff or any constable of the county of Marquette and to the keeper of the common jail of said county, and such defendant, in default of the payment of the amount of such judgment, may be committed to the common jail of said county of Marquette for the period specified in such judgment, and said township shall pay the legal expenses which may be incurred in arresting and imprisoning such defendant, and shall pay his board to the keeper of said common jail.

Licenses, etc.,
go to the gen-
eral fund.

SEC. 9. All licenses, penalties, costs and judgments collected under the provisions of this act shall be placed by the township treasurer to the credit of the general or contingent fund of said township. All actions under this act shall be in the name of the

township of Republic. No by-law shall be passed under the provisions of this act unless by a vote of a majority of all the members elect of such township board voting by yeas and nays, which shall be duly recorded in the record book of said township.

Ordered to take immediate effect.

Approved April 29, 1885.

[No. 336.]

AN ACT to authorize the board of supervisors of Charlevoix county to establish, maintain, and operate a ferry across the south arm of Pine lake, at or near Ironton, in said county.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Charlevoix county be and are hereby authorized and empowered at any lawful meeting of said board to locate and establish a public ferry across the south arm of Pine lake, at or near Ironton, in said county, and to make provision for the maintenance and operation of the same in such manner and subject to such rules, regulations, and tolls as they may see fit, from time to time, to fix and adopt: *Provided*, That none of the powers mentioned in this act shall be exercised unless authorized by a two-thirds vote of the supervisors of said county.

Ordered to take immediate effect.

Approved April 29, 1885.

[No. 337.]

AN ACT to amend act number three hundred and two of the session laws of eighteen hundred seventy-five, entitled "An act to amend an act entitled an act to amend an act entitled an act to revise the charter of the city of Holland, being amendatory of an act entitled an act to incorporate the city of Holland, approved March twenty-fifth, eighteen hundred sixty-seven, approved March twenty-third, eighteen hundred seventy-one, which became a law April second, eighteen hundred seventy-three," approved April first, eighteen hundred seventy-five, as amended by act number two hundred sixty-eight of the session laws of eighteen hundred seventy-seven, approved March twenty-second, eighteen hundred seventy-seven, by adding a new title thereto, to stand as Title XXVI, relative to a board of water commissioners.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and two of the session laws of eighteen hundred seventy-five, entitled "An act to amend an act entitled an act to amend an act entitled 'An act to revise the charter of the city of Holland, being amendatory of an act entitled an act to incorporate the city of Holland,' approved March twenty-fifth, eighteen hundred sixty-seven, approved March twenty-third, eighteen hundred seventy-one, which became a law April second, eight-

een hundred seventy-three," approved April first, eighteen hundred seventy-five, as amended by act number two hundred sixty-eight of the session laws of eighteen hundred seventy-seven, approved March twenty-second, eighteen hundred seventy-seven, be and the same is hereby amended by adding a new title thereto, said title to stand as "Title XXVI, Board of Water Commissioners," and to read as follows:

TITLE XXVI

BOARD OF WATER COMMISSIONERS.

Board of water
commissioners.

SECTION 1. The common council of said city of Holland shall, as soon as may be after the passage of this amendatory act, appoint a board of water commissioners, composed of three persons, who shall be qualified electors of said city. The members first comprising such board shall, after taking the oath of office prescribed for city officers by section forty-three of title two of the charter of the city of Holland, proceed by lot to determine their term of office respectively, one to serve for one year, one for two years, and one for three years, the result to be reported to the common council and to be recorded with the proceedings of that body. Every year thereafter, at the regular meeting of the common council held on the first Monday of May, the council shall appoint or elect one commissioner to serve for the period of three years and until his successor is appointed and qualified in accordance with the provisions of section eight of Title II of the charter of the city of Holland. Vacancies occurring in said board by removal from said city, resignation or otherwise, shall be filled for the unexpired term as provided by section twenty-three of Title II of said city charter.

Compensation,
quorum, chair-
man, clerk.

SEC. 2. The members of said board shall serve without compensation. A majority of them shall constitute a quorum for the transaction of business. The senior member of said board shall act as chairman. The city clerk shall be *ex officio* clerk of said board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by said board, and he shall have charge of all its books, records and papers, and exercise a general supervision over its accounts.

By-laws, etc.,

SEC. 3. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of its business and for the interest of the water-works in said city. They shall appoint such officers, subject to the approval of the council, as may be necessary for the proper running of the water-works in said city, and they shall prescribe and define their duties. The board shall control, regulate and supervise the construction and repairing of the water-works of said city, subject to the general direction and approval of the common council as herein provided.

Officers.

Construction
and repairing.

Idem.

SEC. 4. The said board shall have power, subject to the provisions of this act, to construct, repair, and maintain reservoirs, buildings, machinery, jets, and fountains at such localities in said city or outside the limits thereof as the common council shall deem expedient

and shall direct, and to lay and repair water mains and pipes in and through all the streets, alleys, and public places in said city for the purpose of furnishing a full supply of water for public and private use in said city, subject to the approval and direction of the common council.

SEC. 5. The construction and repairing of the water-works of *Idem.* said city, or any other work connected therewith, and the construction and repairing of mains and pipes, where the expense and cost shall not exceed twenty-five dollars, shall be done by said board, in such manner as they may deem proper; whenever such expense and cost exceeds twenty-five dollars and is less than one hundred dollars, said board shall let a contract therefor to the lowest responsible bidder, who shall furnish two sureties, approved by the common council, after the same shall have been advertised two weeks in the paper doing the official advertising of the city; and whenever the cost and expense of the construction or repairing of the water-works of the city, or of the main, pipe, or any other work connected therewith, shall exceed the sum of one hundred dollars, then said board shall submit the plans, diagrams, profiles, and estimates thereof to the common council for their approval, and when so approved the board shall let a contract for doing the work, after the proposals and specifications thereof have been advertised in at least one of the newspapers published in the city, for such time as the common council shall direct, to the lowest responsible bidder, who shall be competent to do the work, with adequate security approved by the common council.

Lowest responsible bidder.

To be submitted to the council.

SEC. 6. All work done under the supervision of said board shall be reported to the common council from time to time, and no money shall be paid out of the treasury on account of any work so done until the common council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer, signed by the clerk and countersigned by the mayor: *Provided,* That all claims or accounts in any way relating to or connected with the water-works of said city shall first be submitted to and approved by the said board of water commissioners, before the common council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the common council on the third Monday in March of each year, which report shall embrace an itemized statement of the revenues and the expenditures of the different branches and departments of work under their control, and a statement of the condition, progress, and operation of said water-works. They shall also make such other reports and furnish such other information to the common council as that body shall by resolution or ordinance provide.

Work to be reported to the council.

Money, when and how paid.

Provido.

Report.

SEC. 7. The said board, subject to the approval of the common council, shall annually, on or before the fifteenth day of June, fix and assess the water rates to be paid for having and using water from said water-works for the year next ensuing the first day of July following; said rates shall be based, as near as may be, upon the amount of water consumed and used by the owner or occupant of each house, building, or lot using water. Such water rates shall, from

Water rates.

Lien. and after such first day of July in each year, be a continuing lien until paid upon the lots and premises on which the water is used and the rates assessed, and they shall also be a charge against the person to whom assessed, until paid.

Water rates, when to be paid. SEC. 8. The owner or occupant of the lot or premises against which such water rates shall be assessed shall pay the same to the city marshal, half yearly in advance, on the first days of July and January in each year, except where the rate is otherwise fixed by contract, and in case of any default in such payment the water shall be shut off from such premises, in the discretion of the board. The board may collect such delinquent water rates by a suit at law before any court of competent jurisdiction, said suit to be brought in the name of the city of Holland: *Provided*, That any attempt to collect said rates by any process herein provided, shall not invalidate the lien upon said lot or premises. All delinquent water rates shall be collected and paid with interest at the rate of ten per cent from and after the same shall become due.

Proviso.

Interest.

Duty of the city marshal.

SEC. 9. It shall be the duty of the city marshal to collect all the water rates, as provided by this title, and to give his receipt therefor. Said receipts shall be countersigned by the clerk of said board. The marshal shall, on the fifteenth day of each month, pay into the city treasury, to the credit of the water fund, which said fund is hereby made one of the general funds of said city, all money received by him for water rates, or from any other sources connected therewith, and shall file a detailed statement thereof with the clerk of the board. For all moneys so paid into the city treasury, the marshal shall take duplicate receipts, one of which shall accompany such statement, the other he shall present to the common council.

Unpaid water rates.

SEC. 10. Whenever, on the thirtieth day of June, in each year, any such water rates, or any portion thereof for the calendar year then ending, shall remain unpaid, it shall be the duty of the board to prepare a statement of all such delinquent water rates, setting forth in each case the owner or occupant of the several lots or premises against which such rates are charged, with a legal description thereof, and the amount due; also, in a separate column, the interest due to date. Such statement shall be certified to and signed by the commissioners, and the clerk of the board, and entered in full in a book to be kept by them for that purpose.

Idem.

SEC. 11. It shall be the duty of the clerk of said board, on or before the fifteenth day of July next following, to present such original statement of delinquent water rates to the common council. Upon the receipt of such statement, the common council shall cause all such several delinquent water rates to be levied as a special assessment upon the lots or premises therein described respectively. Such special assessment shall, in all respects, be made and treated in accordance with the provisions of Title XIX of the city charter, relative to special assessments; and all the provisions of said Title XIX shall be and they are hereby made to cover and to include the enforcement and collection of such delinquent water rates, and the interest thereon, the same as all other special assessments, for pub-

lic or local improvements therein mentioned: *Provided*, That the board of special assessors, in reporting such special assessment roll to the common council, as in said title directed, shall further compute, and in a separate column, opposite each description, set down the interest accrued and still to accrue, on each item of said water rates, from the thirtieth day of June to the first day of December, and the aggregate of such delinquent water rates, and the several amounts of interest for each description, shall be carried into the last column of the roll: *Provided further*, That it shall be lawful at any time, prior to the first day of November, to pay to the marshal such delinquent water rates, with the interest computed thereon up to the date of payment.

Proviso.

Proviso.

SEC. 12. The members and clerk of said board, their agents and servants, may enter upon any public or private land or water, either within or outside the limits of said city, for the purpose of making all necessary surveys, and for maintaining their pipes, aqueducts and other works, or of doing any other act necessary to carry into effect the purposes of this title. The board, subject to the approval of the common council, may agree with all persons interested in private property as to the compensation to be paid for taking or using the same for the public use or benefit by said board. In case no agreement can be entered into, the board shall report the facts to the common council, together with a description of the property necessary to be taken, and the purposes for which it is to be used, and thereupon the common council may direct the city attorney to institute the necessary proceedings in the circuit court for the county of Ottawa to condemn said property, or proceed as provided by Title XX of the charter of the city.

May enter upon public or private lands.

Compensation.

Condemnation.

SEC. 13. The board shall have power to extend their distributing pipes, aqueducts and mains, and erect hydrants outside of the limits of said city, and to regulate, protect and control such portion of their works and the water supply therefrom, in the same manner that they may regulate, protect and control their works and water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of the distributing pipes necessary to supply such person or persons, shall be paid to said board, and all such distributing pipes through which any water shall be supplied by said water board, shall be the property of said city, and form part of its system of distributing pipes. They shall also have such other and further powers and rights not herein granted as are given to water boards by the general laws of the State, and as are not inconsistent with the powers and rights herein granted.

Pipes, etc., may be extended beyond the city limits.

Proviso.

SEC. 14. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatsoever, erected or used within or outside the limits of the city of Holland, by said board, or by any person acting under their authority, for the purpose of procuring or keeping any supply of water, shall be injured, or shall willfully throw or place, or cause to be thrown or placed any carcass of any dead animal or person, or any other deleterious or filthy substance whatever, in any reservoir, pipe or aqueduct of

Penalty for injuring works or polluting waters.

Notices.

Penalty for
perforating,
etc., any pipe,
etc.

said water-works, through which water for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, any such carcass, deleterious or filthy substance in Black river or Black river lake, within a distance of three miles above any inlet pipe extending into said river, and through which said supply of water or any part thereof is received, or do or cause to be done any other act to willfully pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail or in the Detroit house of correction, for a period not exceeding three months, or both, at the discretion of the court before which the case is tried. The commissioners shall erect notices of so much of this section as relates to reservoirs and Black river lake and Black river, at conspicuous points on such reservoirs, and on each shore of said river and lake, within the distance above mentioned, and for this purpose they or their agents shall have the right to enter upon private property.

SEC. 15. If any person shall, without the authority of said board or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log, or aqueduct belonging to the water-works of the city of Holland, or cause to be made any connection or communication with said pipes, aqueducts or logs, or meddle with or move the same, or any machinery, apparatus or fixtures of the board, or take down or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, and shall also be sentenced to imprisonment in the county jail or in the Detroit house of correction, until such fine be paid, not exceeding three months. Any person who shall willfully break or cut any inlet pipe, main, distributing pipe, log or aqueduct, used by the commissioners for conducting said water, or shall dig into or break up any reservoir, filled or partly filled with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith belonging to said water-works, or cause any of said acts to be done, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding one thousand dollars, and imprisonment in the county jail or in the house of correction of the city of Detroit not more than one year.

This act is ordered to take immediate effect.

Approved April 29, 1885.

[No. 338.]

AN ACT to amend act number two hundred twenty-seven of the laws of eighteen hundred eighty-three, entitled "An act to revise and amend the charter of the city of Saginaw, and to repeal act number four hundred ninety-six of the laws of eighteen hundred sixty-seven, entitled an act to amend an act entitled an act to

revise and amend the charter of the city of Saginaw," approved February five, eighteen hundred fifty-nine, approved March sixteen, eighteen hundred eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That section five of title one of an act entitled "An act to revise and amend the charter of the city of Saginaw, and to repeal act number four hundred ninety-six, of the laws of eighteen hundred sixty-seven, entitled an act to amend an act entitled an act to revise and amend the charter of the city of Saginaw," approved February five, eighteen hundred fifty-nine, being act number two hundred twenty-seven, of the laws of eighteen hundred eighty-three, approved March sixteen, eighteen hundred eighty-three, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 5. Whenever, and after the terms of office of the present supervisors of the several wards shall respectively expire, there shall be elected, at the annual city election, a supervisor for each of the wards of the city, who shall be an elector of the ward for which he is elected, and the supervisors so elected shall severally hold their offices for the term of three years, and such supervisors shall be members of the board of supervisors of Saginaw county, and shall have the same powers and perform the same duties on said board as supervisors of townships elected under the general laws of this State. Supervisors.

SEC. 2. Section three (3) of title five (5) of said act is hereby amended so as to read as follows, viz.: Section amended.

SEC. 3. The comptroller shall, on or before the first Monday of April, in each year, make out a detailed statement of all receipts and expenditures of the city for the past year ending March thirty-first, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the comptroller and be recorded and filed in his office. A copy thereof shall be published in a newspaper printed in said city. Comptroller's statement.

SEC. 3. Section fifteen (15) of title three (3) of said act is hereby amended so as to read as follows, viz.: Section amended.

SEC. 15. When the common council has ordered any sidewalks to be constructed or repaired as aforesaid, it shall be the duty of the street commissioner to see that the same is done according to the terms of the resolution ordering the same. If the same or any part thereof shall not be done within the time and in the manner ordered, the street commissioner shall report the fact to the common council, at the next regular meeting after the expiration of such time, and his report shall be verified by his affidavit. The common council shall thereupon direct the street commissioner immediately to procure the necessary materials for and to proceed to complete such unfinished portions of such sidewalk, and it shall be the duty of the street commissioner when so directed to immediately procure the necessary materials for and to cause such unfin- Sidewalks, duty of commissioner.

ished portions of such sidewalk to be completed as soon as the same can reasonably be done.

Section
amended.

SEC. 4. Section sixteen (16) of title three (3) of said act is hereby amended so as to read as follows, viz.:

Sidewalks,
commissioners'
report in regard
to.

SEC. 16. Whenever the street commissioner shall have caused unfinished portions of a sidewalk to be completed as provided in the preceding section fifteen (15) of this title, he shall report to the common council at its next regular meeting thereafter a detailed statement of the material by him used therefor, with the cost thereof, and the cost of the work done or caused to be done by him in complying with such order of the common council, which statement shall be verified by his oath, and he shall also further swear that the price paid for such material and labor was a fair and reasonable one, and as cheap as he could procure the same, and such statement and verification shall be entered at length upon the journal of the common council. Upon such report being approved by the common council, the said common council shall thereupon direct the comptroller to make out and report to the council for consideration an assessment upon and against the premises fronting on the unfinished portions of such sidewalk so completed by the street commissioner to pay the costs and expenses of completing the same, and against the owners and occupants thereof, and when any premises are unoccupied and the owner thereof is unknown, they shall be described on such assessment roll as "non-resident." Such cost and expense shall be apportioned to such premises in proportion to the frontage of each lot, block, or parcel of land upon the street where the sidewalk was so completed. On presentation of the assessment above provided for the common council shall fix a time and place for considering the same, and the comptroller shall cause notice thereof to be published as provided in section five of this title, and the proceedings for the confirmation thereof shall be as provided for the confirmation of special assessments in section six of this title, except the cost shall be apportioned by frontage on the street and not according to benefits.

Assessment.

Non-resident.
Frontage.

Considering
assessment.

Confirmation.

Ordered to take immediate effect.

Approved April 29, 1885.

[No. 339.]

AN ACT to incorporate the city of Wyandotte and to repeal act number two hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven, approved March five, eighteen hundred and sixty-seven, and all acts amendatory thereto.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact, That the following described territory, situated in town eleven east, three south, commencing at a point where the national boundary line in the Detroit river intersects the section line between sections number twenty-one and twenty-eight, in town three south, of range eleven*

east, thence west along said section line to the westerly line of the lands of the Detroit and Toledo Railroad Company to the one-half section line of section number thirty-two, town three south, of range eleven east; thence east along said one-half section line to the channel bank of the Detroit river; thence northeasterly along said boundary line to the place of beginning, being in the township of Ecorse, in the county of Wayne, be and the same is hereby set off from said township and declared to be a city, by the name of the city of Wyandotte, by which name it shall hereafter be known.

SEC. 2. After this act shall take effect, the said city shall constitute three wards in all and the division thereof shall be the same as they now are. Three wards.

SEC. 3. The said city of Wyandotte shall in all things not herein otherwise provided be governed by and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, which act is hereby made and constituted a part of the charter of said city of Wyandotte, except as herein otherwise provided: *Provided*, That the city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city, and shall perform all such duties in relation to collection of taxes as the council may prescribe, and all such duties as is provided for city collectors in said act. Governed by powers and duties.
Treasurer. duties of.

SEC. 4. The election for city officers shall be held at the time and in the same manner as is now provided for in the original act incorporating said city. Election.

SEC. 5. All the by-laws and ordinances of said city are continued in force until the same be changed in accordance with law. The present officers of said city shall continue in office until their successors shall be elected and qualified in accordance with the provisions of this act and the general law relating thereto. By-laws and ordinances.
Officers.

SEC. 6. Act number two hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven, approved March five, eighteen hundred and sixty-seven, and all acts amendatory thereto are hereby repealed. Act repealed.

Ordered to take immediate effect.

Approved May 4, 1885.

[No. 340.]

AN ACT to repeal section ninety-one of an act entitled "An act to amend an act entitled 'An act to incorporate the city of Ludington,' approved March twenty-two, eighteen hundred and seventy-three, by adding four new sections thereto to stand as sections eighty-eight, eighty-nine, ninety, and ninety-one," approved June five, in the year of our Lord eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That*

Section re-
pealed.

section ninety-one of an act entitled "An act to amend an act entitled 'An act to incorporate the city of Ludington,' approved March twenty-two, eighteen hundred and seventy-three, by adding four new sections thereto to stand as sections eighty-eight, eighty-nine, ninety, and ninety-one," approved June five, eighteen hundred eighty-three, be and the same is hereby repealed.

Ordered to take immediate effect.

Approved May 4, 1885.

[No. 341.]

AN ACT to amend section eight and to repeal sections thirteen, fourteen, fifteen, and sixteen of act number two hundred and fifteen of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Howard City," approved March fourteenth, eighteen hundred and seventy-three, and to add one new section thereto to stand as section thirty-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eight of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Howard City," approved March fourteenth, eighteen hundred and seventy-three, be amended so as to read as follows:

President and
trustees, powers
to establish by-
laws.

SEC. 8. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter or repeal the same at pleasure, for the following purposes, viz.: For the appointment of such other officers, whose election is not herein provided for, for said village as they may deem necessary, and to fix the compensation of their services, and also such as they may deem necessary and right for the maintenance and preservation of the public places, property, and buildings of said village; and to regulate the police thereof, to preserve the public peace, to prevent riots, disturbances, and disorderly assemblages, to appoint watchmen and policemen, and organize a fire department, and to define their duties and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and disorderly persons; to punish persons guilty of lewd and lascivious behavior, and profane or blasphemous language in the streets or public places; to suppress and restrain disorderly gaming houses, billiard tables, and other devices and instruments of gaming; and shall have power to license such persons as tavern keepers, saloon keepers, and common victualers, as they shall think best (but no license shall be granted for a period exceeding one year); to prevent the selling of or giving away spirituous or fermented liquors to drunkards, minors, or apprentices; to abate, prevent, or remove nuisances; to suppress all disorderly houses, and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks, and public

grounds; to regulate the covering of mill races at the expense of the owners thereof; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every other incumbrance or obstruction thereto; to regulate the storage of powder, kerosene oil, turpentine, lumber, and other combustible material; to prevent the use of fire-arms, slung shots, and other weapons, and of fire-works; to construct and regulate markets for the vending of poultry, meat, vegetables, fish, and fruits; to regulate the sale of hay, wood, lime, lumber, and coal; to regulate the gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese, and other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found running at large in violation of any ordinance; to regulate and license cartmen, teamsters, porters, hacks, cabs, and drays, and to regulate their compensation; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year, the same being first recommended by the board of trustees and confirmed by a majority of the electors of said village; to establish wells and cisterns, and to prevent the waste of water; to prevent bathing in public streams; to purchase grounds for and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use for burial purposes of any burying ground or cemetery to be discontinued whenever they may deem the same necessary for the best interests and health of the citizens; to ascertain, settle, and establish the boundaries of streets and alleys, to establish grades therefor; also to order and cause to be drained or filled up all pools and swamps in said village, and to assess the costs and expenses on the premises benefited: *Provided*, That two-thirds of such property be represented in petition for such improvements; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings which may be deemed unsafe; to establish fire limits, and prescribe by ordinance, from time to time, limits or districts within which wooden buildings and structures shall not be erected, placed, or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed; to purchase and keep in order fire engines, and other apparatus, and to construct buildings to store them, and to cause each building occupied as a store or shop to be provided with fire buckets and ladders; regulate chimneys, partitions, walls, flues, and putting up of stovepipes, to guard against fires; to regulate the duties, powers, and fees of village officers, except the president and trustees, who shall be allowed no pay; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks

President and trustees, powers and duties of.

and repairing the same; to grade the walks, streets, alleys, and to prescribe the manner of planking or repairing them; to construct and keep in repair the public highways, sewers, and culverts; to lay out new streets and alleys, and to extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate shows, theatres, and concerts; to regulate and tax, at their discretion, auctioneers and auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers; to rail and curb, where necessary, all walks at the expense of the owners of the adjoining lots; to assess and levy taxes, not exceeding one per cent upon the assessed value, in addition to all specific taxes provided for in this act on all the personal and real estate within the limits of said village, except property belonging to the town, county, State, and places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual, for the purpose of widening or extending streets, lanes, alleys, drains, or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damage he will sustain, as provided for in this act. For the violation of any by-laws, rules, and regulations, such reasonable penalties may be imposed as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Reynolds, and any interest the inhabitants of the village of Howard City may have in the fine or penalty to be recovered shall not disqualify any inhabitant of said village to try said cause and serve as a juror or witness therein; and the circuit court of the county of Montcalm shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws, where the sum claimed shall exceed the sum of one hundred dollars.

Sections repealed.

SEC. 2. Sections thirteen, fourteen, fifteen, and sixteen are hereby repealed.

Marshal's return of warrant and tax roll.

SEC. 39. Within ten days after the expiration of the time limited in the warrant for the collection of taxes levied in said village, as provided in this act, or within ten days after the time to which said warrant may have been renewed or extended, the marshal shall make return of said warrant and tax roll, and a statement on oath showing the amount of all taxes remaining unpaid, and a description of all lands upon which the taxes remain unpaid, and the amount delinquent upon each parcel. The treasurer of the village shall preserve, in books to be kept by him for that purpose, a list of all lands returned by the marshal to him as delinquent for taxes assessed thereon, as aforesaid, and shall, within thirty days from the receipt by him of said warrant and tax roll, return the same with statement attached to the county treasurer of Montcalm county, who shall sell all lands so returned at the next annual tax sale held in said county. The proceedings to sell lands for delinquent taxes

Treasurer to preserve lists of lands returned.

To return the same to treasurer of Montcalm county.

under this act shall be governed, as far as practicable, by act number nine of the public acts of eighteen hundred and eighty-two, and acts amendatory thereof. Lands to be sold.

This act is ordered to take immediate effect.

Approved May 4, 1885.

[No. 342.]

AN ACT to incorporate the village of Oscoda.

SECTION 1. *The People of the State of Michigan enact*, That the following territory, situate in the township of Oscoda, Iosco county, to wit: Commencing at the quarter post in the center of section thirty-four (34) in town twenty-four (24) north, of range nine (9) east, and running eastward on the quarter line to the shore of Lake Huron, thence southerly on the shore line to the north line of the village of Au Sable, thence westward on said north line to the center line of the Au Sable river, thence along the center line of said river, following the new channel or cut in the northeast quarter of section four (4) in town twenty-three (23) north, of range nine (9) east, and continuing on the center line of the river aforesaid, after leaving said new channel to the center of the mouth of Van Etten creek, thence along the center line of Van Etten creek northward to its intersection with the east and west quarter lines first above mentioned, then on said quarter line to the place of beginning, be and the same is hereby constituted a village corporate, to be known as the village of Oscoda. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held on the first Monday of June, in the year one thousand eight hundred and eighty-five, at King's opera-house within said township of Oscoda. First election.

SEC. 3. George D. McKay, Frank McMahon and Henry C. King are hereby constituted a board of registration for the purpose of registering voters for said first election, and said board of registration shall meet on Saturday next preceding the first Monday of June, eighteen hundred and eighty-five aforesaid, and register the names of all persons residents of said village, presenting themselves for registration and having the qualification of voters at annual township meetings; and notice of the meeting of said board of registration shall be posted by the said board in three public places in said village at least ten days previous to such meeting. Board of registration.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village at least ten days before the time of said election, which notice may be signed by any five electors in said village. Notice.

SEC. 5. The said village of Oscoda shall in all things not herein otherwise provided, be governed and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, being an act entitled "An act granting and defining the powers and duties of incorporated villages," and Powers and duties.

approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.

Powers and
duties.

SEC. 6. Said village shall have power to acquire by purchase or otherwise any right in the system of water-works now in said village or to make such contract for the use thereof as may be deemed proper by the common council.

This act is ordered to take immediate effect.

Approved May 4, 1885.

[No. 343.]

AN ACT to amend section one of act number three hundred and fifty-two of the session laws of eighteen hundred and seventy-nine, approved April nineteenth, eighteen hundred and seventy-nine, entitled "An act to incorporate the village of Vassar, in the county of Tuscola."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section number one of act number three hundred and fifty-two of the session laws of eighteen hundred and seventy-nine, approved April nineteenth, eighteen hundred and seventy-nine, entitled "An act to amend section one of an act entitled 'An act to incorporate the village of Vassar,'" subject to the provisions of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Territory
incorporated.

SECTION 1. That all that tract of land in the township of Vassar, situated in the county of Tuscola, and State of Michigan, known and described as follows, to wit: The east half of section twelve in township eleven north, of range seven east, and entire fractional section seven, and the north half of the north half of fractional section eighteen, all in township number eleven north, of range eight east, being in the township of Vassar, in said county, be and is hereby constituted a village corporate by the name of the village of Vassar, subject to the powers of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," except in so far as the same shall be inconsistent with the provisions of this act: *Provided*, The township of Vassar shall be and remain liable to build, construct, and repair any bridge or bridges across the river, or any stream or streams in said village, and to grade and repair the streets on the side hills in said village the same as if this act had not passed.

Proviso.

This act is ordered to take immediate effect.

Approved May 4, 1885.

[No. 344.]

AN ACT to amend section seventy-one of act number two hundred and fifty-three of the session laws of eighteen hundred and seventy-one, approved March thirty-first, eighteen hundred and seventy-one, entitled "An act to amend sections one, four, five, eight, fifteen, twenty-eight, thirty-nine and fifty-nine, and to add two new sections thereto to be known as sections seventy and seventy-one, of act number two hundred and fifty-seven of session laws of eighteen hundred and sixty-nine," approved March twelfth, eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Hillsdale."

SECTION 1. *The People of the State of Michigan enact*, That section seventy-one of act number two hundred and fifty-three of the session laws of eighteen hundred and seventy-one, approved March thirty-first, eighteen hundred and seventy-one, entitled "An act to amend sections one, four, five, eight, fifteen, twenty-eight, thirty-nine and fifty-nine, and to add two new sections thereto to be known as sections seventy and seventy-one of act number two hundred and fifty-seven of session laws of eighteen hundred and sixty-nine," approved March twelfth, eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Hillsdale," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 71. The city of Hillsdale is hereby authorized to raise by vote of the electors thereof a sum not to exceed ten thousand dollars for the purpose of building city or county buildings, and a sum not to exceed fifty thousand dollars for the purpose of erecting or building water-works to supply the said city with water; the time and manner of the submission of either proposition to the electors of said city to be regulated by the common council of said city, by ordinance or resolution; and the said common council may borrow the said sum or sums of money so voted as aforesaid or so much thereof, when and as they shall deem necessary for said purposes, and issue the bonds of said city, payable not more than twenty years from the date thereof in the manner and form prescribed in section thirty-nine of the charter of said city as amended. City or county buildings, \$10,000.
\$50,000 for water-works.

Ordered to take immediate effect.

Approved May 6, 1885.

[No. 345.]

AN ACT to incorporate the village of Hart, in the county of Oceana, and State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the following lands in the township of Hart, in the county of Oceana, and State of Michigan, described as follows, to wit: The southeast quarter of the southwest quarter and the south half of the southeast quarter of section eight, and the southwest quarter of the southwest quarter of section nine, and the west half of the northwest quarter Territory incorporated.

and the west half of the southwest quarter of section sixteen, and the east half of section seventeen, and the east half of the northwest quarter and the east half of the southwest quarter of section seventeen, all being in township fifteen north, of range seventeen west, in Oceana county, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Hart.

First election, when and where held.

SEC. 2. The first election of officers of said village shall be held at the court house in the village of Hart, in said county, on the last Monday of May, in the year of our Lord eighteen hundred and eighty-five, due notice of which election shall be given by the board of registration hereinafter appointed by posting notices in three public places in said village ten days before said election, and by causing a copy of said notice to be published in one newspaper printed and published in said village at least two weeks before said election.

Notice.

Board of registration.

SEC. 3. John R. Butler, Otis W. Knox and Gilbert S. Crumb are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election at the office of the sheriff, in the court house in said village, and remain in session the same hours required of the boards of registration at general elections, and register the names of all persons residing in said village, and having the qualifications of voters at annual township meetings, due notice of which registration shall be made by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration, and by publishing said notice in one newspaper printed and published in said village two weeks before said meeting of said board of registration.

Notice.

Election may be held within one year.

SEC. 4. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, notice being given as required herein.

Powers and duties of.

SEC. 5. Said village of Hart shall, in all things not herein otherwise provided, be governed and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Ordered to take immediate effect.

Approved May 11, 1885.

[No. 346.]

AN ACT to amend section twenty-five of an act entitled "An act to incorporate the city of Ludington," approved March twenty-two, eighteen hundred and seventy-three, and to add eighteen new sections thereto to stand as sections ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one

hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, and one hundred eight.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-five of an act entitled "An act to incorporate the city of Lndington," approved March twenty-two, eighteen hundred and seventy-three, be amended, and that said act be amended by adding eighteen new sections thereto to stand as sections ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, and one hundred eight, so that said amended section and said new sections shall read as follows:

SEC. 25. For the purpose of defraying the expenses and all liabilities of the city (except the principal of the bonded debt), and paying the same, the common council may raise annually by tax levied upon the real and personal property within said city, such sums as they may deem necessary, not exceeding one per cent on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax. And the common council may, in addition thereto, levy such sum, not exceeding one-half of one per cent of the valuation of the preceding year, as they may deem necessary for highway purposes, which shall be raised, assessed and collected in the same roll, and in the same manner as the other city taxes.

SEC. 91. The common council shall have power and authority to grade, pave, curb, gravel, clay, plank, and otherwise improve and repair the highways, streets, lanes, avenues, and alleys of the city. The expense of grading, paving, curbing, graveling, claying, or planking any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvement in proportion to their number of feet front upon the street or any portion of such expense may be so paid and the remainder may be paid from the general highway fund as the common council may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid shall constitute a special assessment district. The term paving shall include curbing and the construction of cross-walks in the paved streets. When expenses for any such improvement shall be assessed in a special assessment district and there shall be lands belonging to the city, school buildings or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the common council would be justly apportionable to such public grounds, buildings, and city property and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund and the balance of such expense shall be assessed upon the taxable lots and premises included within the special assessment district, in proportion to their number of feet frontage upon such improvement.

Twenty per cent to be paid annually.

Special assessment roll.

Street improvement bonds.

Common council, powers and duties of.

Lien.

Return and sale of lands.

Personal charge.

SEC. 92. It shall not be necessary that the expense of any such street improvement shall all be paid in one year, but the same may be paid in annual payments of not less than twenty per cent of the whole amount thereof as the common council may determine, but the special assessment roll shall contain the entire assessment and shall show the entire amount assessed against each particular description of land. Such special assessment and assessment roll shall be made by the city recorder under the direction of the common council, and when such assessment shall be paid in annual payments as hereinbefore provided, or otherwise, such assessment roll shall have annexed thereto a warrant directed to the city treasurer attested by the mayor and recorder under the corporate seal, commanding said treasurer to collect such proportion of such special assessment as shall be prescribed in such warrant, and such warrant in all other respects shall conform to the form of the warrant as near as may be attached to the general city tax rolls, and such special tax roll shall be delivered to the city treasurer at the same time that the general city tax rolls are so delivered. The warrant for such special assessment roll shall be renewed annually until such special assessment shall be fully paid. In case the expense of any such street improvement is not to be all paid by the owners of the property in such special assessment district during the year in which such improvement shall be made, the common council shall have power to issue street improvement bonds to the amount of the estimated expense of such street improvement, and payable in the amounts and at the times that such special assessments are payable. Such bonds shall bear interest at a rate not to exceed six per cent per annum and shall be negotiated at par or face value, and the principal of such bonds shall be paid out of the special fund created by such special assessment and the interest thereof from the general contingent fund of said city.

SEC. 93. The common council may provide by ordinance for the carrying into effect of the powers hereby granted, and shall specify the duties of the city recorder as special assessor, and the time and manner of making the special assessment roll. Any special tax levied by virtue hereof shall be a lien upon the lands and real estate so assessed when such assessment shall be approved by the common council, and in case the city treasurer shall be unable to collect such special assessment or tax or any part thereof such lands and real estate shall be returned as delinquent for non-payment thereof in like manner as other lands may be returned for non-payment of city taxes, and the same may be sold in like manner as other lands returned delinquent for the non-payment of general city taxes.

SEC. 94. Such special assessment shall also be a personal charge against the owner or owners of the lands so assessed, when such assessment shall be approved by the common council as aforesaid, and like proceedings may be had for the collection thereof or any part thereof as is now provided for the collection of general city taxes by distress and sale of goods and chattels.

SEC. 95. Whenever the common council shall deem it expedient

or necessary to make any of the aforesaid improvements requiring special assessments, they shall so declare by resolution, specifying the nature and intent of such improvements and the probable cost thereof, and such resolution shall only be adopted by an affirmative vote of a majority of all the aldermen elect, voting by yeas and nays, and such vote shall be entered upon the record of such meeting.

Resolution to specify what.

Yeas and nays.

SEC. 96. When any such resolution shall be offered at any meeting of said council, the same shall lay over at least one month before final action shall be had thereon, and such resolution shall be printed once in each week in a newspaper printed, published and circulated in said city until the same is finally acted on by said council: *Provided*, That whenever the common council shall receive a petition from the owners of a majority of the frontage upon any street or portion of such street to grade, pave, curb, gravel, clay, or plank such street or portion thereof, it shall not be necessary to declare the necessity therefor by resolution, as hereinbefore provided, but the common council shall, as soon as may be, upon receiving such petition, proceed to construct, or cause to be constructed, the street improvement petitioned for.

To lay over one month.

To be printed in newspaper.

Proviso.

SEC. 97. Whenever the city shall construct or purchase water-works for the use and benefit of said city, then and in such case at the next general city election, there shall be elected a board of water commissioners, to consist of five members, one from each ward of said city, and one from the city at large, whose terms of office shall be as follows: The one first elected from the first ward shall hold his office for one year and until his successor shall be elected and qualified; the one first elected from the second ward shall hold his office for the term of two years and until his successor shall be elected and qualified; the one first elected from the third ward shall hold his office for the term of three years and until his successor shall be elected and qualified; the one first elected from the fourth ward shall hold his office for the term of four years and until his successor shall be elected and qualified, and the one elected from the city at large shall hold his office for the term of one year and until his successor shall be elected and qualified, and every year thereafter at each general city election, there shall be elected two members of such board, one from the city at large and one from the ward entitled thereto, and the one so elected from the ward entitled thereto shall hold his office for the term of four years and until his successor shall be elected and qualified. If a vacancy shall occur in said board the common council shall fill such vacancy by appointment, until the next general city election, when the electors of the ward in which such vacancy occurred shall fill the same by election. The members of said board shall qualify by taking and subscribing the constitutional oath of office and filing the same with the city recorder within ten days after their election or appointment.

Board of water commissioners.

SEC. 98. Said board shall have full control and management of said water-works and the employment of all necessary employes and the fixing of their compensation, and shall fix and establish water

Powers and duties of.

rates and shall determine as to the extension of water pipes and the location of hydrants, and shall have such further power as may be necessary to effectuate the purposes for which such water-works were constructed or purchased, subject to the approval of the common council.

President.

Secretary and treasurer.

Duties of treasurer.

Bond.

Sewers and drains.

Plan of drainage.

Plats and diagrams.

Sewer districts.

SEC. 99. The member of said board elected from the city at large shall be president of said board. Said board shall annually, and within fifteen days after each general city election elect from among its own members a secretary and treasurer. Such treasurer shall collect and receive all moneys arising from water rates and taxes, and shall pay the same over to the city treasurer, to be by him credited to a special fund, out of which shall be paid the expense of maintaining and operating such water-works. The residue, if any, shall be applied in payment of the principal and interest of any debt incurred in the construction or purchase of such water-works. And the treasurer of said board shall annually, at the regular meeting of the common council next preceding the general city election, make to said common council a report in writing of all moneys received by him as such treasurer during the preceding year, and from whom received. The treasurer of said board shall further qualify by executing a bond to said city in such sum as the common council may direct, with two sureties to be approved by the common council, conditioned for the faithful performance of his duties as such treasurer, and that he will faithfully pay over to the treasurer of said city all moneys coming into his hands as such treasurer.

SEC. 100. The common council may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for the taking of such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and alleys.

SEC. 101. Whenever it shall become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise or cause a plan of drainage to be devised for the whole city, or for such part thereof as they shall determine. Such plan shall, in the discretion of the council, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city recorder.

SEC. 102. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer, and such lands as in the opinion of the council may be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch

sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

SEC. 103. Such part as the council may determine, being not less than one-sixth of the cost and expense of the construction of any sewer, shall be paid from the contingent fund of the city, and the remainder of such cost and expense shall be defrayed by special assessments upon all taxable lands and premises included within such sewer district, in proportion to the estimated benefits accruing to such parcel of land respectively from the construction of such sewer. One-sixth may be paid from contingent fund.

SEC. 104. Before proceeding to the construction of any sewer any part of the expenses of which is to be defrayed by special assessments, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivision thereof in the district and the proposed route and locations of the sewer and the depth, grade, and dimensions thereof and shall procure an estimate of the cost thereof, and shall give notice by publication, for at least two weeks, in some newspaper published in the city, of the intention to construct such sewer and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer. Diagram and plat. Publication of notice. Parties interested to be heard.

SEC. 105. When the council shall determine to construct any sewer they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route, location, grade, and dimensions of the sewer and shall determine in the same resolution what part of the estimated expense of the sewer shall be paid from the general contingent fund of said city, and what part shall be defrayed by special assessments according to benefits, and they shall cause such plat and diagram to be adopted and recorded in the office of the recorder in the book of sewer records. Resolution. Plat and diagram.

SEC. 106. Special assessments for the construction of sewers shall be made by the city recorder and he shall make a special roll therefor, showing each particular description of land assessed and the amount assessed against the same. Such roll shall be submitted to the common council for its approval, and the council shall appoint a time and place for considering such assessments, at which meeting persons interested may appear and be heard with reference thereto, and the council may make such alterations in such assessments as may be just and equitable. Notice of such meeting shall be published once in each week, for two weeks, next preceding the time of such meeting, in some newspaper published and circulating in said city, and such assessments when approved by the common council shall constitute a lien, and shall be a personal charge, and like proceedings may be had for the collection thereof as are in this act provided for the collection of special assessments for street improvements. Special assessment.

SEC. 107. The owners or occupants of lots and premises shall

Premises may
be connected
with sewer.

have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council may prescribe.

Expense.

SEC. 108. The expense of repairing and maintaining such drains shall be paid from the contingent fund of the city.

Ordered to take immediate effect.

Approved May 11, 1885.

[No. 347.]

AN ACT to change the name of Maurice Benham to Henry Maurice Buswell.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of Maurice Benham, a minor, now residing at the city of Grand Haven in this State, be and the same is hereby changed to Henry Maurice Buswell.

This act is ordered to take immediate effect.

Approved May 11, 1885.

[No. 348.]

AN ACT empowering the township of Leslie, in the county of Ingham, to bond the township to the amount of, not exceeding twenty thousand dollars for the purpose of making public improvements in said township.

Authorized to
borrow \$20,000.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Leslie, in Ingham county, be and [it] is hereby authorized and empowered to borrow, on the faith and credit of said township, the sum of twenty thousand dollars, ten thousand dollars of which is to be due and payable within five years, and ten thousand dollars to be due and payable within ten years from the date of said loan, at a rate of interest not exceeding six per cent per annum, and to execute the coupon bonds of said township in such form as said board may determine, which bonds shall in no case be disposed of for a less sum than their par value.

Majority of the
qualified voters.

Special elec-
tions.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township voting at a special election to be called for the purpose of voting on said loan, shall so determine; and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof, by causing the date, place of voting, and object of said election, to be stated in written notices, and by posting said notices in five public places in said township not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

Notice.

By ballot.

SEC. 3. The vote upon such proposition shall be by ballots, either

written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the public improvement loan—Yes;" and ballots against the same shall be in the following words: "For the public improvement loan—No." And it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other special township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election, said inspectors shall indorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk shall be by him filed with the clerk of said Ingham county.

Form of.

Election, how conducted.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in public improvements in and for the benefit of said township of Leslie, county of Ingham, Michigan, and for no other purpose whatever; and in case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond.

Money, how expended.

Assessment and collection of taxes.

Ordered to take immediate effect.

Approved May 11, 1885.

[No. 349.]

AN ACT to amend section four of act number three hundred and sixteen of the session laws of eighteen hundred and seventy-seven, as amended by act number three hundred and twenty-three of the session laws of eighteen hundred and seventy-nine, being an act entitled "An act to reorganize the union school district of the city of Flint, and to repeal act number three hundred and nine, of the session laws of eighteen hundred and sixty-seven, act number three hundred and seventy-five of the session laws of

eighteen hundred and seventy-one, and act number twenty-two of the session laws of eighteen hundred and seventy-two."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of act number three hundred and sixteen of the session laws of eighteen hundred and seventy-seven, as amended by act number three hundred and twenty-three of the session laws of eighteen hundred and seventy-nine, being an act entitled "An act to reorganize the union school district of the city of Flint, and to repeal act number three hundred and nine of the session laws of eighteen hundred and sixty-seven, act number three hundred and seventy-five of the session laws of eighteen hundred and seventy-one, and act number twenty-two of the session laws of eighteen hundred and seventy-two," be and the same is hereby amended so as to read as follows:

Three sub districts.

SEC. 4. For the purpose of the election of trustees under this act, the said union school district shall be divided into three sub-districts, the first to consist of that portion of said district lying north of Flint river, the second to consist of that portion of said district lying south of Flint river and east of Saginaw street; and the third to consist of that portion of said district lying south of Flint river and west of Saginaw street: *Provided*, That in said third sub-district one of said trustees shall be and remain during his term of office a resident of the Fourth ward of the said city of Flint. The

Proviso.

Election shall be by ballot.

election of trustees shall be by ballot, and each qualified voter may vote in the ward in which he resides, and not elsewhere, for one person for the office of trustee from his sub-district. Each trustee shall be a qualified voter and resident of the sub-district in which he shall be elected. At least eight days before the election, notice thereof shall be given by the secretary, in the official paper of the city, and if any vacancy is to be filled, like notice thereof shall be given. The election shall be held at the same time and place, and conducted in the same manner and by the same officers in each ward as is provided by the charter for the election of ward officers. The inspectors of election in the several wards of the city are hereby required to prepare a separate ballot box at each of the annual elections provided for in this act, to receive all ballots that may be offered at such election for trustees of said union school district from the sub-district in which the ward may be, and no other officer shall be voted for on such ballot. The said inspectors of election shall make the same canvass and public statement of votes given for trustee as for ward officers, and also a certificate of the number of votes given for each person for the office of trustee, which shall be immediately filed in the office of the secretary of the board of trustees; and on the Wednesday next following such election the said board shall meet at the office of its secretary and ascertain the person who has received the greatest number of votes given for said office in each sub-district, and declare him elected trustee therefrom of said union school district for the term of three years from the first Monday of May then next ensuing, and immediately after such determination said secretary shall cause notice thereof to be given

Trustees must be qualified voters.

Notice.

Election, when and where held and how conducted.

Special ballot box.

canvass.

Notice of election.

to the persons so elected. When a vacancy in the office of trustee shall exist, it shall be filled by election at the same time and in the same manner as aforesaid, for the residue of the vacant term: *Provided*, That the voter shall express upon his ballot, that the person voted for is to fill vacancy. Vacancy.
Proviso.

This act is ordered to take immediate effect.

Approved May 12, 1885.

[No. 350.]

AN ACT to amend sections four and five of an act entitled "An act to provide for the construction and maintenance of stone or macadamized roads in Bay county," approved April twenty-four, eighteen hundred eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That sections four and five of act number two hundred seventy-eight of the session laws of eighteen hundred eighty-three, entitled "An act to provide for the construction and maintenance of stone or macadamized roads in Bay county," approved April twenty-four, eighteen hundred eighty-three, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 4. Said commissioners shall have exclusive care and charge of the stone roads constructed by said county, and when assembled together shall be known as the board of stone road commissioners. In the month of June of each year said board of commissioners shall meet at the office of the county clerk of Bay county, and shall then and there determine the amount of tax to be raised for such year in said stone road district, but not exceeding two mills on the dollar, according to the valuation of the various assessment rolls of the preceding year, and shall cause such determination to be recorded in their records, and at the annual meeting of the board of supervisors in October the clerk shall lay such determination before said board of supervisors, and said board shall thereupon direct the levy of the same in the various towns and cities aforesaid in said district, and the supervisors and other assessing officers shall levy the tax so apportioned on their respective towns and on the cities aforesaid, and the money shall be collected and paid over to the county treasurer in the same manner as county taxes, and the county treasurer shall keep a separate account of such moneys: *Provided*, That after the first day of January, eighteen hundred and eighty-eight, not exceeding one-half of one mill on the dollar according to the assessed valuation aforesaid shall be raised in any one year under the provisions of this act. All moneys raised under the provisions of this act shall be expended by said commissioners equally for the benefit of all the State roads hereinbefore enumerated for the purpose of maintaining and extending the same. Stone road commissioners.

Two mills.

One-half of one per cent.

SEC. 5. Said commissioners shall receive such annual salary as

Salary of commissioners.

shall be fixed by the board of supervisors of Bay county, not exceeding seventy-five dollars per year each, and payable from the said stone road fund.

Ordered to take immediate effect.

Approved May 12, 1885.

[No. 351.]

AN ACT to organize the township of Case in the county of Presque Isle.

Territory detached.

SECTION 1. *The People of the State of Michigan enact*, That township thirty-four north, of range three east, now forming a portion of the township of Bismarck, and township thirty-five north, of range three east, now forming a portion of the township of Moltke, in the county of Presque Isle, be and the same are hereby detached from the residue of said townships of Bismarck and Moltke respectively, and organized into a separate and distinct township to be known as the township of Case, and the first township meeting thereof shall be held at the school-house in school district number five as now organized and belonging to said township of Moltke, on the first Monday in June, eighteen hundred and eighty-five.

Township meeting, when and where held.

Board of inspectors.

SEC. 2. Louis Godin, Micheal Fitch, and Charles E. Case are hereby made and constituted a board of inspectors for said township election, and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

The first township meeting may be held at other than time appointed.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting by posting notices [notice] thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

Inspectors may be chosen.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend such meeting.

Board of registration.

SEC. 5. And the said Louis Godin, Micheal Fitch, and Charles E. Case, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registra-

tion shall be at the residence of said Micheal Fitch on the Saturday preceding said election.

Ordered to take immediate effect.

Approved May 12, 1885.

[No. 352.]

AN ACT to incorporate the village of Frankfort.

SECTION 1. *The People of the State of Michigan enact*, That all ^{Territory incorporated.} that certain tract or parcel of land lying and being situated in the township of Crystal lake, in the county of Benzie, State of Michigan, known and described as follows, to wit: Lots two, three, and four of section twenty-one, the southeast quarter of the northeast quarter of section twenty-one, the south half of the north half of section twenty-two, the south half of section twenty-two; lots one, two, three and four of section twenty-seven, the northeast fractional quarter of section twenty-eight, being situated in township number twenty-six north, of range number sixteen west, is hereby constituted a village corporate, known and designated as the village of Frankfort.

SEC. 2. The officers heretofore elected under an act entitled "An ^{Officers.} act to incorporate the village of Frankfort, Benzie county, Michigan," approved April first, eighteen hundred and eighty-five, shall be and they are hereby constituted the officers of the village created by this act, for the terms for which they were respectively elected, and until their successors are elected and qualified, as provided by law.

SEC. 3. The said village of Frankfort, in all things not herein ^{Powers and duties of.} otherwise provided, shall be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

SEC. 4. All acts or parts of acts inconsistent with the provisions ^{Acts repealed.} of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 14, 1885.

[No. 353.]

AN ACT to detach certain lands from the township of Portage in the county of Houghton, and to attach the same to the township of Adams, in said county.

SECTION 1. *The People of the State of Michigan enact*, That all ^{Territory detached and attached.} of the east half (e $\frac{1}{2}$) of section nine (9), sections sixteen, seventeen, twenty, twenty-one, twenty-nine, and thirty-two, in town fifty-four north, range thirty-four west, and sections one, two; three, ten,

eleven, twelve, thirteen, fourteen, and fifteen, in town fifty-three north, range thirty-five west, in the county of Houghton, and State of Michigan, be and the same are hereby detached from the township of Portage, in the county of Houghton aforesaid, and attached to the township of Adams, in said county.

This act is ordered to take immediate effect.

Approved May 14, 1885.

[No. 354.]

AN ACT to provide for the taking of private property for the public use, and for the opening, extending, widening and straightening of streets and alleys in the city of Detroit, and to repeal act number two hundred eighty-one of the session laws of eighteen hundred eighty-three, being an act entitled "An act to provide for the taking of private property for the public use, and for the opening of streets and alleys by the city of Detroit."

To open streets,
etc.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Detroit is hereby authorized to open, extend, widen or straighten streets and alleys in said city, for the public use and benefit, and to take private property therefor, and institute and prosecute proceedings for that purpose in accordance with the provisions of this act.

Duty of the
common coun-
cil in such cases.

SEC. 2. Whenever the common council of the city of Detroit shall deem it necessary for the use and benefit of the public to make any such improvement, and to take private property therefor, said council shall, by resolution, so declare, and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate, which, in the opinion of said council, will be benefited by such improvement. Said resolution shall direct the city attorney to institute proceedings in the recorder's court of said city to carry out the objects of such resolution.

Duty of the
city attorney

SEC. 3. Upon the passage by the common council of such resolution, it shall be the duty of the city attorney to prepare and file, in the name of the city, in the recorder's court of said city, a petition signed in the name of the city, by the city attorney, in his official capacity, which shall allege the passage of, and have annexed thereto, a certified copy of said resolution; shall describe all the lots, tracts and parcels of private property proposed to be taken or assessed, and set forth the names of the owners, occupants, mortgagees, lessees, and others interested in such lots, tracts and parcels, respectively, as far as the same can be ascertained, and shall allege that it is necessary to take such property for the public use and benefit; and pray that a jury may be empaneled to determine whether it is necessary to make such improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor, and to assess and apportion one-half of the compensation awarded in the case of the

opening, widening, extending and straightening of streets, and the whole amount of the compensation awarded in the case of opening, widening, straightening and extending of alleys upon such portion of the real estate within the assessment district as may be benefited by such improvement. The petition may pray for any other or further relief deemed necessary within the objects of this act.

SEC. 4. One-half of the damages and compensation awarded by the jury, and all the expenses of opening, extending, widening or straightening streets, and all the expenses of opening, extending, widening or straightening alleys, shall be paid by the city and raised by a general tax, to be levied and collected according to the provisions of the charter of the city. Damages, compensation, etc., by whom paid.

SEC. 5. Upon filing said petition it shall be the duty of the clerk of said court, upon request in writing of the city attorney, to issue a summons against the respondents named in the petition, commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Duty of clerk.

SEC. 6. Said summons shall be served by the sheriff, under sheriff or deputy sheriff of the county, at least five days before the return day thereof, upon all the respondents found within the county of Wayne, by exhibiting the original and delivering a copy to each of them; and service of said summons upon all other respondents shall be made by publishing for five successive days a copy of such summons in at least one daily paper published in said city, to be designated by the judge of said recorder's court; the return of the sheriff to said summons and affidavits showing due publication of said summons, shall be filed in said court before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service, and thereafter all respondents shall take notice of and be bound by all subsequent proceedings without further notice. Service of summons. Publication.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be selected and empaneled as hereinafter provided. Jury.

SEC. 8. On the second Tuesday of June in each year, between the hours of nine o'clock in the forenoon, and four o'clock in the afternoon, the board of assessors of the city of Detroit, the clerk of said court and the sheriff of the county of Wayne, shall meet together in the office of the said assessors in said city, and shall then proceed in public to select from the last annual ward assessment rolls of said city (which rolls the custodian shall produce before them) a list of three hundred persons to serve as jurors in said court—the persons so selected to be qualified electors and freeholders in said city of Detroit, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said Idem.

assessors' clerk and sheriff, if they all be present and assist in the making thereof: *Provided*, That any two of them shall be authorized to select such list and sign the same in the absence of the third: *Provided further*, That if said list is not selected as above provided, or if for any reason a legal list shall not have been made, the recorder's court may by an order, entered of record, command the said assessor, clerk, and sheriff to proceed forthwith to select such list, and sign and file the same. When the list is selected and signed as aforesaid, it shall be filed by the officers signing the same in the office of the clerk of said court. The persons whose names are set forth in said list shall be liable to serve as jurors in said court for one year, or until a new list is selected. Every person who shall directly or indirectly ask to be placed upon said list shall thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period.

Idem.

SEC. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as near as may be; shall fold up each of the said strips of paper in the said manner, so as to conceal the name thereon, and deposit the same in a box, to be called and labeled "Detroit City Street Opening Jury Box."

Idem.

SEC. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn and the time at which they shall be summoned to attend. It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the judge of said court and to the sheriff, of the day and hour when such drawing shall take place. At the time so appointed it shall be the duty of said judge, and of the sheriff of Wayne county, or some deputy sheriff, to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, sheriff, or deputy sheriff be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, and from day to day thereafter, of which adjournment he shall forthwith give notice to said judge and sheriff. If at the time first appointed for such drawing, or at the adjourned time therefor, either said judge, sheriff, or deputy sheriff shall be present, the clerk shall proceed to draw from said box publicly, and in the presence of the officer or officers attending, as many strips of paper, containing the names of jurors written thereon, as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name of every strip of paper drawn, before any other such strip be drawn. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the

sheriff of Wayne county, which shall command him or any of his ^{Idem.} deputies to summon the persons named therein to be and appear in said court, at the terms thereof for which they were drawn, to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may impose. Said *venire facias* shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence, with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned, and the manner in which each person was notified. All talesmen who may be directed by the said judge to be summoned for the term shall be drawn from the jury box in the same manner as the original panel. In empaneling a jury the practice and proceedings, relative to empaneling, exempting, and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the recorder's court of said city relative to petit jurors. The city attorney, in behalf of the city of Detroit, shall be entitled to two peremptory challenges, and the respondents collectively shall be entitled to the same number. Whenever there shall not be qualified jurors enough present to form a panel in any case, the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said court, and the court may order talesmen to be summoned from the bystanders or neighboring citizens. If any juror after being sworn shall die, or for any other cause become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury.

SEC. 11. Every jury empaneled in any cause shall be sworn as follows: "You do solemnly swear (or affirm) that in the matter of ----- you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public the private property which the petition describes and prays may be taken; and if you determine that it is necessary, then that you ascertain, determine, and award the just compensation to be made therefor, and assess upon the property in the assessment district described in the petition one-half of all the damages so awarded, in the case of streets, and the entire amount in the case of alleys, as the case may be, and faithfully and impartially discharge all other duties as devolve upon you in this case, and, unless discharged by the court, a true verdict give, according to law and the evidence, so help you God." They shall hear the proof and allegations of the parties, and the arguments of counsel, and, if so ordered by the court, shall go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable, to any property proposed to be taken or assessed, and examine the premises. They shall be instructed as to their duties and the law of the case by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case. Oath of jury.

Necessity for taking, etc.

Benefits.

Proviso.

Damages for the removal of buildings.

Estate of deceased persons.

Jury may take petitions, maps, etc.

Blank verdict.

SEC. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for such proposed improvement, and in case they find that such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem just; and in determining the amount of said damages, where only a part of a lot or lots of land is taken, the jury shall take into consideration the amount of benefits, if any, which the portion not taken will receive from the intended improvement, but it shall not be necessary for them to state in their report the damages separately, but only the net amount of damages; and shall assess and apportion in the case of opening, widening, straightening, or extending alleys, the whole amount of the compensation, and in the case of opening, widening, straightening, or extending streets, one-half of the compensation to be paid for the private property taken upon such lots and parcels and subdivisions of real estate within the assessment district fixed by the common council, in proportion, as nearly as may be, to the benefits they will receive: *Provided, however,* That if the jury believe that the benefit to any lot will, as compared with the benefit to the others be merely nominal, they may make a nominal assessment upon said lot. If any such private property taken shall be subject to a valid mortgage, lease, or agreement, and the taking thereof for such purpose will impair such security, lease, or agreement, the jury shall apportion and award to the owner of said mortgage, lessee, or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings, or other personal property situated on the land taken, the jury may, at the request of the owner, allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same.

SEC. 13. To assist the jury in arriving at the verdict, the court may allow the jury, when they retire, to take with them the petition filed in the case, and maps showing the proposed improvement, and the assessment district, and the location of each and all the parcels of property to be taken or assessed, with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows:

PART I.

Idem.

We, the undersigned jury, empaneled in the above matter, and having given the same due consideration, do hereby find and determine that it is necessary to said as proposed for the public use and benefit as a public, and that for said use and benefit and purpose it is necessary to take

the private property described in the petition in this cause, which said property is hereinafter also described.

PART II.

And the damages sustained, and the just compensation to be paid ^{Idem.} for such private property we have ascertained and determined, and hereby award as follows :

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and damages.

PART III.

And the benefits to be received from such improvement by the property within the assessment district we hereby determine to be as follows :

Description of each of the several parcels of property to be assessed.]	Owners (and others interested) of each parcel.	Benefits.

The different descriptions of property and the names of the owners and others interested therein may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury.

New trial.

SEC. 14. The verdict of the jury may be set aside by the court, and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in the circuit courts of this State; and amendments, either in form or substance, of the petition, process and proceedings, may be allowed when they will not interfere with the substantial rights of the parties. And if by such amendment new parties to the proceedings are added, a new summons may be issued to bring in such additional parties, and when any such further summons is issued, the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury, the verdict for the purpose of correcting all errors therein contained, during the term of court for which said jury was impaneled, and for that purpose may recall the jury. Rules of practice of the recorder's court shall be followed as near as may be in all proceedings under this act.

Amendments.

Additional parties.

Motions for new trial.

SEC. 15. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein. The compensation assessed by the jury upon any lot or parcel of land shall be a lien thereon from the time of such confirmation until paid and satisfied.

Lien.

Appeal.

SEC. 16. Any person whose property may be taken or assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury, by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and serving within the same time a copy thereof on the city attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of the sum assessed against the appellant, and all costs that may be awarded against him in case the judgment and confirmation of the court shall be affirmed. The appeal herein provided shall be the only remedy for reviewing proceedings and for contesting or altering assessments under this act, and no injunction or *certiorari* shall be allowed or issued in these cases, except that writs of *certiorari* may issue out of the supreme court upon jurisdictional grounds only when allowed by one of the justices of said court. The common council shall have no power to in any manner disturb or alter the verdict of said jury as to awards or assessments, or in any other respects, after said verdict shall have been finally confirmed.

Duty of clerk and judge therein.

SEC. 17. In case of appeals as above it shall be the duty of the clerk of the court, without delay, to transmit to the supreme court a certified copy of all the files, records and proceedings in the case.

And it shall be the duty of the judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objections, rulings and exceptions concerning the same, and the instructions of the court to the jury, with the exceptions thereto, and the same shall be returned by the clerk as a part of the record in the case.

SEC. 18. The said appeal may be brought on for hearing at any term of the supreme court, and said court shall have power to determine the case upon the facts and the law as in chancery appeals, and to enter such final judgment or decree as may of right appear, and may remand the case to the court below for such further proceedings before a jury or otherwise as may be necessary. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city may be applied on or deducted from the compensation, if any, to be paid to the appellant.

SEC. 19. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court affirming the judgment of confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and thereupon the common council shall, by resolution, direct the treasurer of said city to collect the benefits and the costs and expenses assessed by the court and jury, and a certified copy of such resolution shall be annexed to the record transmitted by the clerk of the court, and the same shall then be delivered to said treasurer. If such assessments are not paid or tendered to the treasurer within fifty days after the passage of such resolution, he shall proceed to sell the property assessed in the same manner as is provided by law for the sale of real estate upon execution, and with the same force and effect.

SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall cause the city treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed; and in case any person shall refuse the same, be unknown, or a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall, on demand, pay the same over to any person entitled and competent to receive it, taking receipt therefor.

Upon such payment, tender, or deposit, the common council may enter upon, take possession of, and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences, and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his

action in making such payment, tender, or deposit, and shall file the same with the clerk of the recorder's court, and it shall be *prima facie* evidence of the facts therein stated.

Buildings, etc.,
to be sold.

Publication,
etc.

Widening, etc.,
alleys and
streets.

Street opening
fund.

Fees.

Discontinuing
proceedings.

Property must
be surveyed and
staked out.

Council may ad-
vance sum
awarded.

Property may
be bid in.

SEC. 21. All buildings, fences, and other personal property taken by such proceedings in street opening cases, except that removed by the owner as otherwise provided, shall be sold at public auction by the city treasurer. Due publication of such sales shall be made in at least two daily newspapers in said city, for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. In the case of widening, straightening, opening, or extending alleys, the entire proceeds of such sales, and in the case of opening, widening, straightening, or extending streets, one-half of the amount of such proceeds shall be refunded by the city treasurer to the parties assessed for the opening, widening, straightening, or extending thereof in proportion to the amounts of their several assessments. The balance of such proceeds in the case of opening, widening, straightening or extending streets shall be paid into and become a part of the street opening fund.

SEC. 22. Officers, jurors, and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of the State.

SEC. 23. The common council shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

SEC. 24. Before the trial in any proceeding under this act the common council shall cause the property to be taken to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof and of the assessment district, certified to be correct by the city engineer or person making the same, to be prepared, to be attached to and make a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council, in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to the owners or occupants of or others interested in the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits made against the property of said owners and others interested, respectively. At any sale under this act of the property assessed, the city attorney, or in his absence the city treasurer, shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

SEC. 25. Act number two hundred eighty-one of the session Act repealed.
 laws of eighteen hundred eighty-three, being an act entitled
 "An act to provide for the taking of private property for the pub-
 lic use and for the opening of streets and alleys by the city of
 Detroit," is hereby repealed.

Ordered to take immediate effect.

Approved May 14, 1885.

[No. 355.]

AN ACT to revise the charter of the city of East Saginaw, being
 amendatory of an act entitled "An act to incorporate the city of
 East Saginaw," approved February fourteenth, eighteen hundred
 fifty-nine, as amended by the several acts amendatory thereof.

TITLE I.

INCORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact, That* Territory incorporated.
 the following described territory in the county of Saginaw, to wit:
 Commencing at a point where the north section line of section
 eighteen, town twelve north, range five east, crosses the center of
 Saginaw river; thence east along said section line to the northeast
 corner of said section eighteen; then south along the east lines of
 sections eighteen, nineteen, and thirty to the southeast corner of
 said section thirty in said township and range; thence west along
 the south line of said section thirty to the southwest corner thereof;
 thence south along the east line of section thirty-six, in town
 twelve north, of range four east, to the southeast corner of said
 section thirty-six; thence west along the section line to the south-
 west corner of said section thirty-six; thence south along the east
 line of section two, in town eleven north, range four east, to the
 quarter line in said section two; thence west along the said center
 or quarter line of said section two to the center of the Saginaw
 river; thence northerly along the center or main channel of said
 Saginaw river to the place of beginning, be and the same is hereby
 set off and constituted an incorporated city by the name of the city
 of East Saginaw, and by that name may sue and be sued, implead May sue and be sued.
 and be impleaded, complain and defend, in any court of record, and
 any other place whatsoever; may have a common seal and alter it Seal.
 at pleasure; and may take, hold, purchase, lease, convey, and dis-
 pose of any real, personal or mixed estate for the use of said cor-
 poration.

Sec. 2. Said city shall be divided into eight wards, as follows: Eight wards.
 All that part of the city lying north of the center of Miller street,
 shall constitute the first ward; all that part of the city lying between
 the center of Miller street and the center of Johnson street, shall
 constitute the second ward; all that portion of the city lying

between the center of Johnson street and the center of William street, to its junction with Genesee avenue, thence along the center of Genesee avenue to the center line of Janes street, thence along the center line of Janes street to the east city line, shall constitute the third ward; all that portion of the city lying between the line last mentioned and the center line of Hoyt street, to where said line shall intersect the center line of Walnut street, thence along the center line of Walnut street to the east city line, shall constitute the fourth ward; all that part of the city lying south of the center line of Hoyt street and west of the center line of Maple street, including its intersection with Martha street, and as extended on the section line to the south line of section thirty, and north of the south boundary line road (so called), and the Mackinaw road (so called), shall constitute the fifth ward; all that portion of said city lying east of the above boundary line of the fifth ward, and south of the above boundary line of the fourth ward, shall constitute the sixth ward. The seventh ward shall consist of so much of said territory as lies north of a line drawn by commencing at the quarter post on the east line of said section thirty-six, and running thence west along the quarter line to the center of the street, known as the Saginaw and Bad River plank road; thence northwesterly along the center of said last named street, to its intersection with the center of Gallagher street, thence westerly along the center of said Gallagher street to the center of Mackinaw street, thence northerly along the center of Mackinaw street to the center of Center street, thence westerly along the center of Center street to the west line of Water street, thence north thirty-three feet to the north line of Center street, thence by a right angle to Water street westerly to the center of Saginaw river, and all of said territory lying south of said above described line shall be and constitute the eighth ward of said city.

TITLE II.

OFFICERS—WHO ELECTED; WHO APPOINTED; QUALIFICATION; OATH; REMOVAL; VACANCY; ELECTIONS, HOW CONDUCTED, ETC.

- City officers.** SECTION 1. The following officers of the city of East Saginaw shall be elected at the annual city election by the qualified electors of the whole city, voting in their respective wards and election districts on a general ticket, viz: One mayor, one recorder, one treasurer, and four justices of the peace. The following officers of the corporation shall be elected at said election on a ward ticket in each ward and election district by the qualified voters thereof, viz: Two aldermen, two school inspectors, one supervisor, and one constable.
- Ward officers.**
- Must be elector and resident.** SEC. 2. No person shall be eligible to either of said elective offices, unless he shall then be an elector and resident of said city, nor shall he be eligible to any such office for any ward or district, unless he shall then be an elector and resident of such ward or district, and when any officer elected or appointed for said city shall cease to reside in said city, or if elected or appointed for any ward

or district, shall cease to reside in such ward or district, his office shall thereby become vacant.

SEC. 3. An election shall be held in each ward and election district annually, on the first Monday in April in each year, at such place as the common council shall appoint by a notice published at least six days previous to the election, in a newspaper printed in said city, or by posting printed notices of the holding of said election, in at least three of the most public places in each ward and election district, at least six days previous to said election. Election.

SEC. 4. At the annual election in the year eighteen hundred eighty-five, and at every annual election thereafter, there shall be elected by the qualified voters of said city, voting in their respective wards and election districts, one justice of the peace for the term of four years, and one mayor for the term of one year. At the annual election in said city in the year eighteen hundred eighty-six, and every two years thereafter, there shall be elected by the qualified electors of said city, voting in their respective wards and election districts, one treasurer, who shall enter upon the performance of the duties of his office on the third Monday in June in the same year, and shall hold his office for two years, and every treasurer elected after him by said city shall enter upon the performance of the duties of his office on the third Monday in June in the year in which he is elected. At the annual election in said city, in the year eighteen hundred eighty-six, and every four years thereafter, there shall be elected by the qualified electors of said city, voting in their respective wards and election districts, one recorder, who shall hold his office for four years, or until his successor shall be elected and qualified. At the annual election in said city, in the year eighteen hundred eighty-five, and annually thereafter, there shall be elected by the qualified voters thereof, one alderman and one school inspector for each ward, who shall each hold his office for the term of two years. There shall also be elected annually in each ward, one constable who shall hold his office for the term of one year. At the annual election in said city, in the year eighteen hundred eighty-five, and every two years thereafter, there shall be elected in the odd numbered ward, by the qualified voters thereof, one supervisor for each of said odd numbered wards, who shall hold his office for the term of two years, and at the annual election in said city in the year eighteen hundred eighty-six, and every two years thereafter, there shall be elected in the even numbered wards, by the qualified voters thereof, one supervisor for each of the said even numbered wards, who shall hold his office for the term of two years: *Provided*, That whenever there shall be a vacancy in the office of supervisor, or when the incumbent shall by sickness or from any other cause, be unable to perform the duties of such office, the common council of said city may make a temporary appointment of a suitable person to fill such vacancy, and such person so appointed, shall take the oath of office as required by law, and shall continue to discharge such duties until the said office shall be filled by election, or until the disability aforesaid be removed. Justice and mayor. Treasurer. Recorder. Alderman, school inspector. Constable. Supervisor. *Provido.*

Officers appointed by the common council.

SEC. 5. The common council shall, unless otherwise provided, at the third regular meeting in the month of April in each year, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices named, appoint by ballot, one city attorney, one city physician, one or more health officers and their assistants, one member of the board of water commissioners, one director of the poor, and upon the nomination of the mayor they shall appoint one member of the board of public works.

The said common council shall, at the third regular meeting in the month of April, eighteen hundred eighty-five, and annually thereafter, appoint one commissioner of the city cemeteries, who shall hold his office for two years. The common council shall, on the third Monday in April, eighteen hundred eighty-five, and every two years thereafter, appoint one police commissioner for said city, who shall hold his office for the term of four years.

The common council shall, on the third Monday in April, in the year eighteen hundred and seventy-seven [eighty-seven], or as soon thereafter as may be, and every three years thereafter, appoint one city clerk for said city, who shall hold his office for the term of three years.

The common council shall, on the second Monday in the month of January, in the year eighteen hundred eighty-seven, or as soon thereafter as may be, and every three years thereafter, appoint one assessor for said city, who shall hold his office for the term of three years.

There shall be appointed by the common council, on the third Monday in April, eighteen hundred eighty-six, or as soon thereafter as may be, and every three years thereafter, one controller, who shall hold his office for the term of three years.

The said common council shall also appoint at the third regular meeting in April, eighteen hundred and eighty-seven, and every three years thereafter, one chief engineer of the fire department, who shall hold his office for the term of three years.

The common council may also appoint one keeper or keepers of the workhouse, almshouse or hospital, inspector of gas or gas metres, clerk of city markets or for city officers, inspectors of firewood, hay and provisions, pound masters, sealers of weights and measures, weigh masters, harbor masters, fire wardens, scavengers, and such other officers or boards of officers as are herein provided for, or which may be created by the ordinances of said city, made pursuant to the provisions of this charter, and such appointments shall be made in such manner as the said common council shall authorize and direct, and all such appointees shall hold their office during the pleasure of the common council.

Vacancy, how filled.

SEC. 6. When any vacancy occurs in any of the offices which are appointed by the common council, either by death, resignation, or removal of the incumbent, the said council may fill such vacancies by appointment for the remainder of the unexpired term for which such officer was appointed.

Removal from office.

SEC. 7. All officers appointed by the common council, by virtue of the powers conferred by this act, may each be removed from office

by the common council for incompetence, for official misconduct, or for the unfaithful and inefficient performance of the duties of his office, or for disobedience of the ordinances or resolutions of the common council lawfully made: *Provided*, No officer who is required to be elected by ballot, or who is required by this act, or by the common council to give bonds, shall be removed without reasonable notice of the charges against him, and an opportunity to be heard in his defense, in person and by counsel, nor without two-thirds of all the members elected to the common council, shall, after such notice and hearing, vote for such removal. Proviso.

SEC. 8. On the day of election, held by virtue of this act, the polls shall be opened in each ward and election district thereof, at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open, without intermission or adjournment, until five o'clock in the afternoon, at which hour they shall be finally closed. Polls open from 8 to 5 o'clock.

SEC. 9. The inhabitants of the said city, being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths now, or at any time hereafter provided by the general laws of this State, unless such person shall claim to be an elector under the proviso named in section twenty-six of this title, and in that case the oath shall be varied according to that proviso, which oath shall be administered to him by one of the inspectors of election. Qualified electors.

SEC. 10. The supervisors and aldermen of each ward shall constitute the board of inspectors of elections, two of whom shall constitute a quorum, and such one of their number as they may appoint, shall be chairman of said board; the board shall also appoint two competent persons to be clerks of the elections, who shall take the oath of office required by law; and each of said board of inspectors shall be authorized to administer any oaths required by law to be taken by either of said inspectors, clerks, or other persons at said elections, and they shall be inspectors of election, held in said wards respectively, as well as for election of State, district and county, as for [the] city and ward officers. Challenge.

SEC. 11. The electors shall vote by ballot, and each person offering to vote, shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear, written or printed, one of the following words—"ward" "city," but no ballot found in the proper box shall be rejected for want of such endorsement. Board of inspectors of election.

Clerks.

Authorized to administer oaths.

Ballots.

Ward.

City.

Idem.	SEC. 12. The ballot endorsed "city" shall contain the names of persons designated as officers for the city; the ballot containing the names of persons designated as officers for a ward, shall be endorsed "ward." The common council shall provide the necessary ballot boxes for each ward and election district, with locks and keys, in which ballot boxes the votes cast shall be deposited.
Ballot boxes.	
Term of office to be designated.	SEC. 13. If, at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for the said office shall be designated on the ballot.
Canvass.	SEC. 14. Immediately after the closing of the polls, the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them, and declare the result; and shall on the same, or on the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate, on the day of election, or on the next day, with the clerk of the city.
Inspectors of election, duty of.	SEC. 15. It shall be the duty of the inspectors of election, on receiving the votes, as specified in section eleven of this title, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction.
Canvass.	The said inspectors shall, at the close of the election, proceed to canvass and count, first, the ballots cast for the city officers; second, the ballots cast for ward officers, and third, the ballots cast for other officers or objects, and the manner of canvassing and counting thereof, shall be the same as is now or may hereafter be provided by the general laws of the State for the canvass and count of votes by inspectors of elections.
Who elected.	SEC. 16. The person receiving the greatest number of votes for any office in said city or ward shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take, at the meeting thereof provided for in section seventeen, as many strips of paper of equal size and appearance as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put said ballots together in a hat or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.
Determined by lot.	
Council to convene when.	SEC. 17. The common council of the preceding year shall convene on the Wednesday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting and the statement of votes filed with the clerk of the city, by the inspectors of election, shall be produced by said clerk, when the common council shall forthwith determine and certify, in the manner provided by law,

what persons are duly elected, at the said election to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Saginaw. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the tenth day next following such election, unless otherwise herein provided.

Certificate.

When to enter upon office.

SEC. 18. It shall be the duty of the clerk of said city, as soon as practicable, and within two days after the meeting of the common council, as provided in the preceding section, to notify the officers respectively of their election; and the said officers, so elected and notified, as aforesaid, shall, within ten days after such election, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the clerk of the city.

Notification of election.

When to take oath of office.

SEC. 19. Whenever a vacancy occurs in the office of mayor or alderman, by his refusal or neglect to take the oath of office, within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the city or the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Vacancy in office.

Special election.

Provido.

SEC. 20. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except mayor, alderman and justice of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the tenth day after the election next succeeding; if an elective office which shall have become vacant was of that class whose terms of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Vacancy, how filled, etc.

SEC. 21. Whenever a special election is to be held, under the provisions of law or by order of the common council, the city clerk shall cause to be delivered to the inspectors of election in the ward or wards where such officer is to be voted for, a notice signed by him specifying the officer to be elected, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the annual general election; such notice shall also be published in a newspaper of the city at least once, or posted in three public places in the city or ward, as the case may be, before the day of such special election.

Special election.

Notice.

- Acceptance.** SEC. 22. Every person appointed by the common council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the city clerk, a notice in writing, signifying his acceptance of such office.
- What deemed a refusal to serve.** SEC. 23. If any person, elected or appointed under this title, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken or such acceptance be signified as aforesaid.
- List of persons elected or appointed.** SEC. 24. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the office to which they are chosen, specifying such as have filed with him the oath of office, or notice of acceptance required by this act, and official bond, if one is required, and such as shall have omitted to file the same within the time herein prescribed.
- Resignations.** SEC. 25. Resignations by any officer authorized to be elected or appointed by this act, shall be made to the common council, subject to their approval and acceptance.
- Where to vote.** SEC. 26. At all city elections, every elector shall vote in the ward and district where he shall have resided ten days next preceding the day of election, otherwise he may vote in the ward and district from which he removed: *Provided*, He shall have resided in said ward ten days prior to such removal. The residence of an elector under this act shall be the ward where he boards or takes his regular meals.
- Proviso.**
- Residence.**
- Inspectors of election, vacancy in board, how filled.** SEC. 27. At any election held under this act, if, from any cause, either or all of the inspectors of election shall fail to attend any such election, at the appointed time and place, his or their place may be supplied for the time being by the electors present, who shall elect any of their number *viva voce*, who when so elected, shall be duly sworn, by an officer authorized to administer oaths, to a faithful performance of their duties.
- Expenses.** SEC. 28. The expenses of any election to be held as provided by this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city.
- To hold until successor is elected or qualified.** SEC. 29. Any person elected to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

TITLE III.

COMMON COUNCIL—WHO SHALL CONSTITUTE; POWERS; DUTIES; PROCEEDINGS.

SECTION 1. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint; and on special occasions, whenever the mayor or person officiating as mayor (in case of vacancy in the office of the mayor, or of his absence from the city, or inability to officiate) shall, by written notice appoint, and which shall be served on the members in such a manner and for such time as the common council may direct. Common council.

SEC. 2. The mayor, when present, shall preside at the meetings of the common council, and in his absence the recorder shall preside; but if both mayor and recorder be absent, then the common council shall appoint one of their number, who shall preside. Who to preside.

SEC. 3. No ordinance or resolution passed by the common council, authorizing any public improvement, or for or concerning the same, or for the payment of money by the treasurer, or the creation of an indebtedness or liability against the city, shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor or other officer legally exercising the office of mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a two-thirds majority of all the members of the common council then in office, exclusive of the mayor or other officer legally discharging the duties of mayor, and if so re-passed, shall go into effect according to the terms thereof. If such reasons in writing shall not be lodged with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until the expiration of twenty-four hours after its passage. It shall be the duty of the city clerk to communicate to the common council, at the next meeting thereof, any paper that may be lodged with him pursuant to the provisions of this section. Veto, power of mayor.

SEC. 4. In all proceedings and meetings of the common council, each member present, and the recorder when presiding in the absence of the mayor, shall have one vote. Duty of clerk.

SEC. 5. The common council shall prescribe the rules for the transaction of its business, and for its proceeding, which rules shall have the effect of law, as to the regularity and the recording of said proceedings, and may prescribe in said rules, penalties for the non-performance of the duties of aldermen, city clerk, or other Who entitled to vote.

Rules for the transaction of business.

Sessions to be public.	officers of said common council. The sessions of the common council shall be public, except when the public interests shall in their opinion require secrecy. The minutes of the proceedings shall be kept by the city clerk, and the same shall be open at all time to public inspection.
Minutes.	
Quorum.	SEC. 6. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present less than a quorum may adjourn said meeting to the next regular meeting or to any time prior to the next regular meeting, and require the clerk to give notice thereof as of special meetings; and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down or noticed, for such regular meetings or for any special or adjourned meeting; and no business or proceedings, postponed or set down or noticed for any special, regular, or adjourned meeting, shall lapse, or fail, or become invalid, or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon the next regular, or adjourned, or special meeting. No public improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services or labor authorized to be done, or material purchased, nor any contract awarded, or let, nor any money appropriated, to be paid for, or out of, or by means of any special assessment or tax, or from the city treasury, except by a concurring vote of nine members of the common council, including the vote of the recorder when presiding in the absence of the mayor:
Adjournment.	<i>Provided,</i> No member of the common council shall be excluded from voting upon any question of improvements, levying assessments or taxes, or any other proceeding, by reason of personal or private interest in said improvement, assessment, taxes, or any property to be affected by it; nor shall such vote prejudice, void, or invalidate any action by [of] the common council by reason or on account of any such interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract or bond, appropriating or expending any moneys, and on the final passage of any ordinance, the names of the members voting for or against the same, by yeas and nays, shall be entered upon the record of proceeding.
Vote necessary to order public improvements, etc.	SEC. 7. No member of the common council shall, during his continuance in office, be directly or indirectly interested as principal, surety or otherwise, in any contract with the city or with any public board thereof, over which the common council have any control; nor shall he be competent, during the term for which he shall have been elected, to hold any office the appointment to which is made by the common council, and the salary, compensation, or fees for which are payable out of the city treasury.
Proviso.	SEC. 8. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, and interests, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and neces-
Yeas and nays.	
Must not be interested in contract.	
Nor hold certain offices.	
Powers and duties of.	

sary; and they shall have the power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable within said city, for the following purposes:

First, To prevent vice and immorality, to preserve peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances, and disorderly assemblages; Vice, etc.

Second, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys; Disorderly houses, etc.

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to forbid the selling or giving to be drank any intoxicating liquors to any child or young person without the consent of his or her parents or guardian, and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to the auctioneers; Vending of liquors, etc.

Fourth, To prohibit, restrain, license, and regulate all sports, exhibitions of all natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money; License shows, etc.

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of the city; Nuisances.

Sixth, To direct the location of all slaughter houses, markets, and buildings for storing gunpowder or other combustible materials, and to regulate the manner of keeping the same; Slaughter houses, etc.

Seventh, To regulate, restrain, or prohibit the buying, selling, carrying, and using of firearms, weapons, gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or from other combustible material, and the exhibition of fire-works, and the discharge of firearms, and the lights in barns, stables, and other buildings, and to restrain and prohibit the making of bonfires in streets, yards, alleys, and other public places; Firearms, fire-works, etc.

Eighth, To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves, or slips in any manner whatever; Streets, sidewalks, etc.

Ninth, To prevent and punish horse-racing and immoderate riding or driving in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate riding or driving in any street; Horse-racing, etc.

Tenth, To determine and designate the routes and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the Railroads.

	city, also to compel such railroads to erect and maintain safety gates at street crossings ;
Bathing.	<i>Eleventh</i> , To regulate, restrain, or prohibit bathing in any public water, and to provide for cleansing Saginaw river of drift-wood and other obstructions ;
Drift-wood.	<i>Twelfth</i> , To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever ;
Drunkards, vagrants, etc.	<i>Thirteenth</i> , To establish one or more pounds, and to restrain, regulate or prohibit the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding ;
Pounds.	<i>Fourteenth</i> , To regulate or prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent and punish dog fights in the streets and elsewhere in said city ;
Dog tax, dog fights, etc.	<i>Fifteenth</i> , To prohibit any person from bringing and depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction thereof, if any person shall have on his premises such substance or any putrid meats, fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city ;
Dead carcass, etc.	<i>Sixteenth</i> , To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, dirt, wood, and all other obstructions ;
Cleaning sidewalks.	<i>Seventeenth</i> , To regulate or prohibit the ringing of bells, blowing of steam whistles, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets and elsewhere in said city ;
Ringling of bells, etc.	<i>Eighteenth</i> , To regulate the burial of the dead and to compel the keeping and return of bills of mortality.
Burial of the dead, etc.	<i>Nineteenth</i> , To establish, order, and regulate the markets, to prohibit the forestalling the same, to regulate the vending of wood, meats, vegetables, fruit, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: <i>Provided</i> , That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city ;
Markets.	<i>Twentieth</i> , To establish, regulate, and preserve public reservoirs, fountains, wells, and pumps, and to prevent the waste of water :
Reservoirs, fountains, etc.	<i>Twenty-first</i> , To adopt rules for the regulation of sextons and undertakers in burying the dead, to license and regulate solicitors for passengers or for baggage for the benefit of any hotel, tavern, public house, boat, or railroad, also to license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, coupes, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used or employed for hire, and to fix and regulate the amounts and rates of their compensation :
Undertakers.	
Soliciting baggage, etc.	
License to hackmen, etc.	
Rates.	

Twenty-second, To regulate or prohibit runners, public porters, and all drivers of public conveyances for persons, from soliciting passengers or others to travel or ride in any public conveyance, boat, or upon any railroad, or to go to any hotel or elsewhere, and to license and regulate scavengers and chimney sweeps ;

Soliciting
passengers.

Scavengers,
chimney
sweeps.

Twenty-third, Concerning the lighting of streets, alleys, and public places, and the protection and safety of public lamps and lights ;

Lighting streets,
etc.

Twenty-fourth, To license and regulate auctioneers, hawkers, peddlers and pawn-brokers, and to regulate auctions, hawking, peddling, and pawn-brokerage, also the peddling and hawking of fruit, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever by hand, hand-cart, show-case, show-stands, or otherwise, in the public streets, also to license and regulate or suppress hucksters ;

Auctioneers,
peddlers, etc.

Twenty-fifth, To prescribe the duties of all officers appointed by the common council and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law ;

Officers' duties,
compensation,
penalties, bonds,
etc.

Twenty-sixth, To preserve the salubrity of the waters of Saginaw river, or other streams within the limits of said city, to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient, and to assess upon and collect from the lots or grounds so drained or filled the entire expense thereof ;

Saginaw river.

Low grounds, to
fill up or drain.

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city ;

Stands for car-
riages, etc., fare,
wood, hay, etc.

Twenty-eighth, To prescribe the line upon which docks shall be built in Saginaw river and beyond which they shall not extend, and to enforce the same by a fine not exceeding five hundred dollars, and to regulate such docks, and to compel the owners or occupants thereof to keep the same in repair ;

Docks.

Twenty-ninth, To appoint so many harbor masters as they may deem necessary, and to prescribe their powers, duties, and compensations ;

Harbor masters.

Thirtieth, To prescribe the duties of sealers of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealers of weights and measures shall apply to said city, except as herein otherwise provided ;

Weights and
measures.

Thirty-first, To authorize the mayor to grant, issue and revoke licenses in all cases when licenses may be granted under this act and the ordinances of the common council ;

Licenses.

Thirty-second, To prescribe the sum of money to be paid into the treasury of the city for every license which may be granted under this act and the ordinances of said city, also the time for which the licenses shall be granted, to require all licenses to be countersigned

Idem.

by the clerk, to require all persons applying for a license, before the issuing thereof, the execution of a bond to the city in such sums as the common council may direct with one or more sufficient sureties, conditioned for the faithful observance of the charter and ordinances of the city, and otherwise conditioned as the common council may prescribe;

Library. *Thirty-third.* To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within said city by private munificence, as the common council may deem to be for the public good;

Building permit. *Thirty-fourth.* To require all persons before constructing, altering, or enlarging any building or other structure within the limits of said city, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued.

Boundaries of streets, etc. SEC. 9. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, the prevention of fires, the levying of taxes, the supplying of the city with water, and all other subjects of municipal regulation, not herein otherwise expressly provided.

Fires, taxes, water supply. SEC. 10. When, by the provision of this act, the common council have authority to pass ordinances on any subject, they may prescribe a fine or penalty, not exceeding one hundred dollars (unless the imposition of a greater fine or penalty be herein otherwise provided) for a violation thereof, and may provide that the offenders, on failing to pay the fine or penalty imposed, shall be imprisoned in the county jail of Saginaw county, or the city prison, for any term not exceeding ninety days.

Fines, etc. SEC. 11. Whenever the common council are required by law to make publication of any notices, ordinances, or resolutions or proceedings, in one or more newspapers of said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as [they] may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of the said city, which deed shall be signed by the mayor and clerk, and countersigned by the controller. The commissioners of the city cemeteries and the controller, shall constitute a board of superintendents of the city cemeteries, and the controller shall be the treasurer of said board.

Publication of notices. SEC. 12. The common council shall have power to purchase a potter's field, within or without the city limits, for the burial of the city poor, and make such rules and regulations concerning the same

Cemeteries. **Potter's field.**

as they may deem necessary. The common council shall also have power, whenever, in their opinion, the necessities of the city require, to cause to be constructed by the board of public works of said city, a city almshouse, city hall, and city market or markets, or other necessary public buildings, to acquire by purchase or otherwise all necessary lands whereon to locate the same, and to appoint the keepers, clerks, and necessary officers thereof, and may locate such city almshouse, city hall, and city market or markets, within or without the city limits, and may make such regulations concerning the same as the common council may think proper; but no such public building shall be constructed or built, until said common council shall be authorized to levy a tax therefor as provided in section two of Title V, of this act.

Almshouses,
city hall, mar-
kets.

SEC. 13. The common council shall have and exercise, in and over said city, the same powers in relation to the regulation of taverns, groceries, common victualers, saloon-keepers, and others as are now or may hereafter be conferred by the general laws of this State upon township boards or upon the corporate authorities of cities and villages. Any person who shall engage in or exercise the business or occupation of saloon-keeper within the limits of said city, unless he is first licensed as such by the common council, and any person who shall assume to exercise such business or occupation without having first obtained such license shall be deemed to have committed a misdemeanor, and upon each and every conviction therefor shall be fined a sum not less than fifty dollars or imprisonment [in] the city prison of said city, or in the common jail of Saginaw county for a term not to exceed ninety days, or both said fine and imprisonment in the discretion of the court. The common council shall have power to regulate and license all taverns and houses of public entertainment, all saloons, restaurants, and eating houses, and all places where any beverages are kept for sale, in such sum or sums as the common council may direct or require.

Taverns,
saloons, etc.

License.

SEC. 14. On the first Monday in the month of April in each year, or as soon thereafter as may be, the common council shall audit and settle the accounts of all officers and other persons having claims against the city, or accounts with it; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges, the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; and the same shall be published by the clerk, at the expense

Auditing ac-
counts of offi-
cers.

Detailed state-
ment.

of the city, in some newspaper thereof, to be designated by the common council.

Ferries.

SEC. 15. The common council of the city of East Saginaw shall have the sole and exclusive power from time to time, to license, continue and regulate so many ferries from within said city of East Saginaw to the opposite shore of the Saginaw river, for the carriage and transportation of people, goods, and chattels across the said river, in such manner as shall appear to them most conducive to the public good.

Compensation.

SEC. 16. The members of the common council shall be allowed, as compensation for their services, one dollar for actual attendance at each session of the council, to be certified by the clerk to the controller, quarterly, and paid out of the general fund.

Absent six times
creates vacancy.

SEC. 17. Any alderman who shall be absent from the sessions of the common council, without leave, for six consecutive weeks, shall be deemed to have resigned, and the office shall be deemed vacant, and the common council shall order a new election to fill such vacancy, as in this act provided in case of vacancies.

Moneys, where
deposited.

SEC. 18. The common council shall have power to direct the deposit of all moneys, bonds, papers, and evidences of value in any safe bank or banks, and to contract with any such bank or banks for the safe keeping of all public moneys, and for the receipt of interest at a rate not exceeding ten per cent upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof; and such interest shall belong and be credited to the sinking fund: *Provided*, That when the common council has directed the treasurer to deposit said money with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the common council, sufficient to protect the city from loss.

Interest.

Proviso.

Removal from
office.

SEC. 19. The common council shall have power to expel or remove from office any of its own members, or any other officer holding office by election, except the mayor, recorder, and justices of the peace for corrupt or willful malfeasance or misfeasance in office, or for the willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reasons for such expulsion or removal shall be entered upon the records of the common council, with the names and votes of the members voting on the question. But no officer holding office by election shall be removed or expelled by said common council, unless first furnished with a copy of the charges against him in writing, and be allowed to be heard in his defense, with aid of counsel; and for the purposes hereof the common council shall have power to issue subpoenas, to compel the attendance of witnesses, to examine witnesses upon oath to be administered by the presiding officer, and the production of papers, when necessary, and shall proceed within ten days after service of a copy of the charges, to hear and determine upon the case. If any such officer shall neglect to appear and answer to said charges, his default shall be deemed good cause for his removal from office.

TITLE IV.

OFFICERS: THEIR RIGHTS, POWERS AND DUTIES.

SECTION 1. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully executed, to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty, to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved by them, and in general to maintain the peace and good order and advance the prosperity of the city; the mayor may also issue process and hear in a summary way any complaint against any person to whom a license of any description has been granted in pursuance of this act for any violation of the laws of the State or the ordinances of the common council, and may issue subpoenas, and compel the attendance of witnesses on the hearing of such complaint in the same manner as justices of the peace, in the trial of civil causes, and on such hearing may annul such license or suspend it for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personally or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination.

Mayor, his duties.

To be filed with city clerk.

SEC. 2. All official bonds of said city shall be deposited with the clerk of the city for safe keeping, unless the council otherwise order, in which case they shall be deposited as they may direct; and it shall be the duty of the officer with whom such bonds are deposited to deliver the same to his successor in office.

Bonds to be deposited with clerk.

SEC. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The mayor, recorder, and aldermen, by virtue of their respective offices, shall be conservators of the public peace.

Aldermen, duty of.

Conservators of the peace.

SEC. 4. It shall be the duty of the controller to keep the financial accounts of said corporation, to countersign all bonds, orders upon the treasury, burial permits, cemetery deeds, and all evidences of debt and transfer of property which the common council or corporation are authorized to issue or make, pledging the faith of said city; to receive all accounts and demands against the said corporation, examine them in detail, audit, or allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file, and number them as vouchers, with the date of their allowance, and

Controller, duties of.

Controller,
duties of.

the funds out of which payable, and when so audited, settled, filed, dated, and numbered, to report the same to the common council, and when payment shall be duly authorized by the common council, to countersign and register the orders drawn therefor by the city clerk upon the city treasurer. No claim so audited shall be binding against the city until approved by vote of the common council. The controller shall keep a record of bonds issued by said corporation, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep account in proper books, of all such bonds, and the bonded indebtedness, for the information of the common council. And the controller shall also, in like manner, keep accounts of all funds, taxes, assessments, receipts, and expenditures, and on the last Tuesday before the last Monday in the month of March in each year, shall make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto. The controller shall advertise and receive proposals for all contracts for or on behalf of the city, except as in this act otherwise provided, and report his action thereon to the common council. He shall sign all contracts and agreements on behalf of the city, except as in this act otherwise provided, subject to the orders of the common council, and make all purchases of materials, tools, books, stationery, apparatus, and property for the city or its officers, not otherwise provided for herein, or ordered by the common council. He shall keep a record of all officers and employes of the city, and certify the pay-rolls and wages of all such officers and persons to the common council; he shall be charged with the leasing, repairs, insurance, and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report upon the same when required by the council. It shall also be the duty of the controller to take and exercise a general supervision of the financial concerns of the corporation; to keep complete set of books, exhibiting the condition of said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof, of each fund or appropriation for any distinct object of expenditure or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts, or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk (against such fund) until another appropriation shall have been made. The controller shall also be a member of and treasurer of the board of cemetery commissioners, and keep all records and accounts of said board, except as otherwise herein provided. The controller shall open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city, and placed in his hands for collection, all sums received for licenses, rents, and all other moneys which may be paid in the city treasury, and all bonds, coupons, notes, leases, mortgages, interest, and bills

receivable by said city of whatever nature. He shall charge to the ^{idem.} treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys, and property placed, or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener, not to exceed once in each month, as the interest of the city and the safety of its property may require; and he shall give said treasurer and all other officers credits for all money disbursed, upon showing proper vouchers, and for all property consumed, expended, and destroyed by ordinary wear and use, and not otherwise. The controller shall make out and attach warrants to all tax rolls in said city, whether for State, county, city, general or special assessments or taxes, and such warrants shall be in the usual form of law, and shall have the same virtue, force, and legal effect, as warrants made by the supervisors of townships pursuant to the laws of the State; the controller shall also perform such other duties as are or may be prescribed by this act, or by ordinances of the common council not inconsistent herewith, and shall receive for his services such annual salary as the common council shall prescribe, and he shall give a bond with sureties in the sum of not less than five thousand dollars, for the faithful performance of the duties hereby imposed. And the controller shall have a seat in the common council, and may speak upon all matters that come before the council relating to the duties of his office, and serve upon committees thereof, but shall have no vote.

SEC. 5. It shall be the duty of the assessor annually to assess all ^{Assessor, duties of.} the property in said city liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and who shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State. The assessor shall also prepare and make the returns required by law, relative to the registration of births and deaths of said city, and the list of persons to serve as jurors, and perform such other duties as this act imposes. The assessor shall have power to administer oaths and affirmations, whenever necessary to the proper discharge of the duties of the office, and shall receive such compensation for his services in the ^{Compensation.} performance of the duties of his office as the common council may determine, and shall be subject to removal for cause the same as other officers appointed by the common council; and he shall have a seat in the common council, and may speak upon all matters relating to the duties of his office. But said assessor shall not receive for any duties imposed or for services rendered to said city, beside his salary, any fee or reward whatever which shall be paid out or withheld from the city treasury.

SEC. 6. The clerk shall keep the corporate seal, and all the papers ^{Clerk keeper the seal, duties of.} and files belonging to said city, as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a full and complete record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all ^{Certified copy.} papers duly filed in his office and transcripts from the records of the

- proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places where produced of the matters therein contained. He shall publish all ordinances passed by the common council at least three times in the official paper of said city, and no ordinance shall take effect until the expiration of at least three days from the date of the first publication thereof, and a record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him shall be *prima facie* evidence of the time of such first publication; and all laws, regulation, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto; either,
- Ordinances to be published.**
- Certified copy.** *First*, From a copy certified by the clerk of the city, with the seal of the city of East Saginaw affixed;
- Volume of ordinances.** *Second*, From the volume of ordinances printed by authority of the common council; or
- Printed proceedings.** *Third*, From the volume of the official printed proceedings of the common council, signed by the clerk with the seal of the city of East Saginaw affixed.
- Attestation of licenses, etc.** The clerk shall also attest all licenses granted for any purpose whatever by the mayor or common council, and shall enter, in an appropriate book, the name of every person to whom a license is granted, and the number, the date thereof, the time during which it is to be continued in force, and the sum paid for such license; no license for any purpose granted shall be valid until thus attested by the clerk. Said clerk shall also sign all orders drawn upon the city treasury for claims allowed by the common council; shall sign all cemetery deeds, and all contracts awarded by the board of public works, and countersign all bonds and other like evidences of debt. He shall also act as clerk of the recorder's court, of the board of public works, the board of health and the board of police commissioners of said city, and, when so required, of the standing committees of the common council, and perform such other duties as may be required by law of the township clerks, so far as applicable under this act or the ordinances of the city. He may also appoint a deputy, for whose acts he shall be responsible. All votes, ordinances, resolutions and proceedings of the common council shall be published at least once by the city clerk in the official paper of said city within eight days after the session of the common council in which same were had or passed.
- Other duties of clerk.**
- Deputy.** Votes, ordinances, etc., to be published.
- Treasurer, duties of.**
- SEC. 7.** The treasurer shall receive all moneys belonging to the city, and shall receive all taxes of said city levied by order or authority of the common council, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims and dues to said city arising from rentals, leases, sales of property or claims of any other nature whatever not herein otherwise provided for; he shall hold all bonds, notes, mortgages, and other evidences of debt or value belonging to said corporation; he shall deposit the moneys of the city under the direction of the common council, and shall keep an accurate account of the same and all

receipts and expenditures thereof, and with every fund and appropriation thereof made by this act or by the authority and direction of the common council; he shall pay no money out of the treasury, except in pursuance of, or by authority of law, or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller, or of coupons and bonds regularly and lawfully issued by said corporation: *Provided,* Proviso. That all school moneys and all interest on school moneys shall belong to and be paid over, once in each week, to the board of education of said city; he shall keep an accurate account of and report to the common council, once in each week, a detailed statement of all taxes collected and money received, as well as moneys disbursed, a copy of which report shall be filed with the controller, and at the end of every quarter shall make a full settlement, with the controller and finance committee of the common council, producing the vouchers of all transactions, which vouchers shall be canceled by said controller and committee, and the result of said settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same are issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn as written upon the face thereof. Whenever any warrant is presented for Interest. payment, if there is no money in the fund upon which such warrant is drawn, the treasurer shall endorse the date of such presentation on the back of such warrant, which shall thereafter draw interest at the rate of seven per cent per annum for a period not exceeding six months, unless the same shall be again presented for payment and indorsed; and the treasurer shall compute interest as above provided, and pay the same when each warrant is redeemed, and charge the amount so paid for interest to the interest fund: *Pro-* Proviso. *vided,* That warrants drawn for special improvements, including warrants drawn against the sidewalk fund, shall not draw interest. The treasurer shall keep an office in some convenient place in said Office of. city, provided by said common council, where the books and accounts in his charge belonging to the city shall be open to the inspection of any tax-payer of said city at reasonable hours in any week day, and where all bonds, coupons, and warrants shall be presented for payment. The treasurer shall not discriminate as to parties holding bonds, coupons, warrants, or other lawful demands, and shall pay them only when presented at his office. The city To collect taxes. treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer, and school taxes, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act or the laws of this State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect, levy, and sell all the taxes set forth upon any copy or transcript of any general or special roll, and so placed in his hand, the same as

Receipt for, etc.	warrants made by supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him, and mark the same paid upon the proper rolls, and shall, on Monday of each week, deposit with the controller a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon as required by the warrant of the controller, the provisions of this act, or the laws of this State: <i>Provided</i> , The return of all State and county taxes shall be made direct to the county treasurer of the county of Saginaw. The city treasurer shall appoint one deputy treasurer, subject to the approval of the common council; such appointment shall be in writing, and shall be filed with the clerk, and submitted to the council; such deputy shall have all the power and authority of the city treasurer, so far as relates to the collection of taxes, subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy, and shall pay him for his services. The treasurer shall obey all the orders and resolutions of the common council not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers, and property of every kind and description due and belonging to said corporation, upon demand. The common council shall have power to prescribe the percentage to be added to all tax rolls not herein otherwise provided for, and direct to what fund it shall be credited, and may direct the treasurer as to the deposit and safe keeping of all books and papers of his office, and require bonds with such surety and in such amount as they deem proper, for the faithful performance of his duties as treasurer. Said common council shall also have the power, at any time during the term of office of said treasurer, when they may deem the existing bond furnished by said treasurer, or the sureties thereon, insufficient, to require the said treasurer to procure additional sureties, or to execute a new or additional bond to the city in such sum and with such sureties as they may direct; and if the said treasurer shall not execute such new or additional bond, or procure such additional sureties as may be required upon any existing bond, within the period of ten days after service on him of a copy of the resolution of the common council requiring the same, the council may declare such office vacant, and proceed to fill the same as hereinbefore provided. Said treasurer shall receive for his services such annual salary as the common council may direct, not less than one thousand dollars nor more than twenty-five hundred dollars per annum, and in addition thereto such percentages for the collection of taxes as the common council shall prescribe.
Returns.	
Proviso.	
Deputy treasurer.	
Treasurer.	
Common council, power of.	
May require new bonds.	
May declare office vacant.	
Salary.	
City attorney.	SEC. 8. The city attorney shall be an attorney and counsellor at law in good standing, and qualified to practice in all the courts in the State. He shall, on application of the common council, or of any officer of the city, furnish advice relative to all matters of law, in the discharge of their duties, appear in behalf of the city and of all public boards thereof in all suits, and perform such other legal duties as may be prescribed by ordinance. The city attorney shall receive an annual salary to be fixed by the common
Salary.	

council, but shall not receive for any duties imposed or services rendered to said city during the term of his office, beside the salary, any fee or reward whatever, which shall be paid out or withheld from the treasury of said city, except for services as supervisor in attending the sessions of the board of supervisors, for which service the same compensation shall be allowed as to other supervisors.

SEC. 9. The recorder shall possess the same powers and perform and discharge the municipal duties of mayor during the absence, inability, death, resignation, or removal of the mayor; he shall also have power to hold a recorder's court, with such jurisdiction and powers as are hereinafter prescribed. Recorder.

SEC. 10. The justices of the peace of said city shall file their oaths of office with the clerk of the county of Saginaw, and also with the said city clerk, and shall maintain offices for the transaction of business in the said city of East Saginaw. They shall have the same jurisdiction and powers, and perform the same duties as are now exercised and performed, or may at any time hereafter be conferred by law upon the justices of the peace for townships; and one or more of said justices, to be designated by the common council of said city as police justices, shall have jurisdiction also of all complaints made for violation of any provisions of this charter, or any ordinance passed in conformity therewith; and also of all actions brought for the recovery of any fines, penalty, costs or forfeiture imposed by this charter, or by any such ordinance. The justice or justices of the peace, so designated as police justices, shall continue to act during the pleasure of the common council, and shall receive in lieu of fees for all complaints and actions brought before them in their capacity as such police justices, such salary or compensation, to be paid from the city treasury, as the common council may from time to time determine. Justices of the peace.
Police justice.
Police justice, salary.

SEC. 11. All fines, penalties or forfeitures and costs recovered before any of the justices, shall, when collected, be paid into the city treasury; and each of said justices designated to act as police justices shall report on oath to the common council, at the first regular meeting thereof, in each month during the term for which he shall perform the duties of such Justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and all moneys by him received, for or on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty, forfeiture, or costs, shall be paid into the said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office. Fines, penalties, etc.

SEC. 12. Any justice of the peace of said city may be removed from his said office by the circuit court for the county of Saginaw, for refusal or neglect to pay over as required by law any moneys by him collected for or on account of any fine, penalty, forfeiture, or costs; for the unfaithful or inefficient performance of his duty; or for any official misconduct, upon charges specifically preferred against him by the mayor or common council, or by any three Justice, removal from office.

electors of said city. Such [said] charges, upon being duly verified by oath, shall be filed in said circuit court, and a copy thereof served personally upon said justice of the peace against whom the same are preferred, at least ten days before he is required to be tried thereon; and opportunity shall be given him to be heard in his defense; and said court shall have power to make all necessary orders to ensure a fair but summary trial thereof, and, upon conviction, to enter the proper judgment for suspension or removal from his said office, of the said justice so convicted.

Justices' bond.

SEC. 13. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall before entering upon the duties of his office, execute a bond to the city of East Saginaw, with one or more sufficient sureties, to be approved by the mayor or recorder of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned in the event of his being designated to act as one of the police justices, for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act required, which bond shall be filed in the office of the clerk of said city.

Justices' docket,
etc.

SEC. 14. All dockets and office books, kept by justices of the peace, shall at all times be subject to inspection and examination by the common council, or any member or officer thereof, and it shall be the duty of said justices of the peace to produce such dockets and books at all times, whenever and wherever the said common council shall require or direct, and if they shall neglect or refuse to produce such docket or office book as directed and required, the recorder may, on a proper application to him for the purpose, make an order requiring the same to be produced, and enforce obedience thereto in the same manner in which other orders made by the recorder's court are enforced.

Constables.

SEC. 15. The constables in the several wards shall possess the same powers and perform the same duties and obligations as constables of townships, and give like security; they shall obey the orders of the mayor, recorder, and aldermen, or of any person legally exercising the criminal jurisdiction of justices of the peace in said city, in enforcing the laws of the State and the ordinances of the said city, and in case of neglect or refusal so to do, they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Expense, how
paid.

SEC. 16. The expenses of examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed, and paid by the supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any town of said county.

Supervisors.

SEC. 17. The supervisors of the several wards of said city shall be members of the board of supervisors of Saginaw county, and shall perform all the duties of supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided. The

assessor, the controller, and the city attorney shall be members of the board of supervisors of Saginaw county, and represent the interest of this corporation in said board; and as such supervisors, shall be entitled to receive the same compensation as other supervisors, for attendance upon said board.

Assessor, controller, and city attorney.

SEC. 18. The superintendents of the city cemeteries shall have care of the city cemeteries and all the grounds or other property belonging thereto, subject to the ordinances and directions of the common council; they shall make such improvements upon the property as they shall think expedient, but shall not expend in any one year more than three hundred dollars, without the consent of the common council previously obtained, and they shall receive no pecuniary compensation for their services; and said superintendents shall report quarterly to the common council the amount expended by them in the improvement of said property, and shall publish an annual report of the matters committed to their charge in one of the newspapers published in said city, between the first and fifteenth days of March in each year.

Cemeteries, superintendent.

SEC. 19. The controller shall, as treasurer of the board, receive all moneys for lots which shall be sold in said city cemeteries, and also all penalties collected for violation of city ordinances in relation to such cemeteries, and shall pay, upon resolution of the board, for improvements made upon the grounds of the said cemeteries, and also the incidental expenses which shall have been audited and allowed by the superintendents, and shall pay over to the city treasurer all moneys in and by this act appropriated, which shall come into his hands as such treasurer.

Controller.

SEC. 20. The city physician, health officer and his assistants, fire wardens, pound masters, inspectors of firewood and hay, weigh masters, harbor masters, and scavengers, shall perform such duties, and if required shall file such securities as the common council shall order.

City physician, etc.

SEC. 21. The common council shall annually, at their first regular meeting in the month of May, or as soon thereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city, and they may also, from time to time, establish fees and compensation for all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury.

Salary of officers, council to fix.

SEC. 22. The director of the poor shall perform such duties as are imposed by law upon such officers in townships, and such other duties as may be imposed by ordinance. All expenditures of money, and all accounts made by him, shall be duly certified under oath, to the controller, as often, and in such manner, as the common council may require.

Director of the poor.

SEC. 23. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office, all the books, papers, moneys and effects of said corporation in his possession or custody as such officer, and in any way appertaining to his office; and every person violating this provision shall

Officer to deliver to successor books, etc.

be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for the like offense, under the general laws of this State, now or hereafter in force or applicable thereto; and every officer appointed or elected [under] this act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

Officers, other powers and duties.

SEC. 24. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, duties, powers or liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient, and shall prescribe by resolution, by-laws or ordinance.

Malfeasance in office.

SEC. 25. If any officer of the corporation shall directly or indirectly appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, to his own use, or shall knowingly appropriate or convert the same to any other purpose than that for which such moneys, securities, or evidences of value, or property may have been appropriated, raised, or received, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction, may be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison or the jail of Saginaw county, not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

TITLE V.

TAXES, FUNDS, REVENUES AND EXPENDITURES.

Resources of the corporation controlled by common council.

SECTION 1. The resources and moneys of the corporation shall be controlled by the common council, as herein provided; and the said common council is hereby vested with the power to order assessments, direct the levying of taxes thereon, and provide for the collection of the same, under the provisions and restrictions in this act contained; and all assessments, taxes, and revenues of said corporation shall be paid into and form a part of one of the following named funds, viz:

General fund.

First, General fund, which shall be appropriated to defray the expenses of the city of East Saginaw, for the payment of which, out of some other fund, no provision is herein or otherwise made.

Highway fund.

Second, Highway fund, to defray the expenses of repairing paved, graded, planked, and improved streets, and for the construction and repair of crosswalks, bridges, drains, culverts, the cleaning of streets, sidewalks, drains, parks and public places, and such other general highway purposes as the common council may direct.

Fire department fund.

Third, Fire department fund, which shall be appropriated to defray the expense of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the regularly appointed firemen of the city, and all other expenses incident and necessary to the maintenance of the fire department of said city.

Fourth, Sinking fund, to pay and discharge the principal and interest of the bonded indebtedness of the city of every description, provision for the payment whereof is not otherwise made. To this fund shall be credited and paid, at the end of each fiscal year, all interest and penalties received on delinquent taxes and assessments. Sinking fund.

Fifth, Sewer fund, to defray the expenses of constructing the public sewers of the city. Sewer fund.

Sixth, Sewer contingent fund, to defray the expense of repair, alteration and maintenance of the public sewers. Sewer contingent fund.

Seventh, Sewer bond and interest fund, to redeem and pay the sewer bonded indebtedness of said city and the interest thereon. Sewer bond and interest fund.

Eighth, Street improvement bond and interest fund, to pay all bonds with interest thereon issued in pursuance of section twenty-four, title six, of this charter. Street improvement bond and interest fund.

Ninth, Poor fund, to defray the expenses of providing for and taking care of the poor of the city. Poor fund.

Tenth, Sidewalk fund, to defray the expenses of constructing sidewalks in said city, as provided in title six of this act. Sidewalk fund.

Eleventh, Street improvement fund, to be assessed, levied and collected as hereinafter provided in title six of this act. Street improvement fund.

Twelfth, Such other funds as are herein provided for, or as the common council may constitute for special purposes, not inconsistent with the provisions of this act, not to be taken from any of the funds above provided for, except [excepting] the general fund. Other funds.

SEC. 2. For the purpose of defraying the ordinary expenses and liabilities incurred by said city and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, for the general fund, such sum as they may deem necessary, not exceeding one-half of one per cent on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof taken from the assessment roll of the year preceding the levying of such tax; and the common council may, in addition thereto, levy such sum, not exceeding one-half of one per cent of the valuation of the preceding year, as they may deem necessary for highway purposes, to be paid into the highway fund; and the common council may also, in addition to the above, levy such sum, not exceeding one and one-half mills on the dollar of the valuation of the preceding year, as they may deem necessary for defraying the expenses and making improvements in the fire department, to be credited to the fire department fund, and which shall be raised, assessed and collected on the same roll and in the same manner as the other city taxes. If the common council shall deem it expedient for the purposes of the city to levy a larger tax than is allowed by this section, they may, by giving ten days' notice by publishing the same in a newspaper published in said city and posting a notice thereof in three public places in each ward in said city, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess, and collect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct, and such tax shall be levied, assessed, and collected in the same manner

Tax one-half of one per cent.

General fund.

One-half of one per cent.

Highway fund.

One and one-half mills on the dollar.

Fire department.

Larger tax may be levied if voted.

Proviso.	as is provided for the levying or collection of the other taxes mentioned in this act: <i>Provided</i> , That the manner of voting at such meeting shall be by ballot, and that no person shall vote at such meeting who is not an elector of said city. The mayor of said city, or, in his absence, the recorder shall preside at such meeting; and, in the absence of both the mayor and recorder, the electors present may elect one of their number to preside at such meeting. The common council may direct, by ordinance, the manner of receiving, counting, and certifying the ballots cast at such meeting.
Poor fund.	SEC. 3. The moneys assessed by the common council under the authority of this act, for licenses and permits, and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into and constitute the poor fund of said city. And in case of any deficiency in said fund, the common council shall have power, and it shall be their duty to appropriate from the general fund, and transfer to the poor fund, such sum or sums as may be necessary for the proper care and keeping of the poor of said city.
Tax necessary to be raised when and by whom to be determined.	SEC. 4. It shall be the duty of the common council, on or before the third Monday in May in each year, to determine by resolution, the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised, to the assessor, who shall levy the sums so certified, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as specified in section seven of this title.
Assessment of property.	SEC. 5. The assessment of property and persons for the purpose of city taxation, shall, except when otherwise provided, be made in the same manner as is now or may at any time hereafter be required by the general tax laws of this State. The assessor may divide the assessment roll into separate books for each ward in said city, assessing real estate in the ward in which the same or any part thereof may be situate, and personal property in any ward in said city. Shares in banks or other corporations may be assessed in the ward in which the business of such bank or other corporation is conducted. The assessor shall prepare for said assessment roll a complete index showing in alphabetical order the names of all persons therein assessed for personal estate, with reference to the page and book where the assessment may be found. The assessor of said city shall complete said annual assessment of all the taxable property in said city on or before the last Monday in April, and upon the completion thereof shall file a notice thereof with the city clerk, who shall report the same to the common council at their next meeting. At such meeting, the common council shall appoint the time and place for the board of review to meet, of which time and place, notice shall be given by the said clerk at least ten days prior to the time of meeting, by publishing a notice thereof in the official newspaper published in said city, and also by posting the same in three public places in each ward of said city.
Assessment roll may be divided.	
Shares in banks, etc.	
Index.	
Assessment roll, when completed.	
Board of review.	
	SEC. 6. The assessor, city attorney, and supervisors of said city

shall constitute a board of review, six of whom shall be a quorum; Composed of whom. they shall elect one of their number chairman, and the assessor Chairman. shall act as secretary of the board. They shall have power, and it Secretary.

shall be their duty to examine said assessment roll and correct any errors found therein, and reduce or increase the valuation of any property found on said roll, and to add thereto any taxable property in said city that may have been omitted, and to value the same as provided in the general tax laws of this State. They shall meet at such time and place as shall be appointed by the common council, and shall continue in session not less than three nor more than ten days successively, at least six hours in each day, and any person desiring to do so, may examine his or her assessment on said roll, and may show cause, if any, why the valuation thereof should be changed, and the said board shall decide the same, and their decision shall be final. The concurrence of a majority of a quorum of said board shall be sufficient to decide any question of altering or correcting any assessment complained of; and the members of the board shall have the power to administer oaths and examine witnesses, the same as supervisors of townships, as provided by the general laws of this State. No assessment shall be increased, nor property added to said roll, except upon notice to the persons to be affected thereby, but it shall be sufficient to serve any such notice upon a resident by leaving the same at his usual place of abode twelve hours before any action is taken by the board, and in case of a non-resident to publish such notice once in any daily newspaper printed in said city. The said board shall keep a record of their proceedings which record shall be signed by a majority of said board and deposited with the city clerk.

When and where to meet.

To administer oaths.

Assessment not to be increased except on notice.

SEC. 7. The said assessor shall deliver the assessment roll to said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their record, the said assessor shall again take said roll into his possession and ratably assess in dollars and cents the amount of all taxes authorized to be assessed and collected in each year, to each person named, or lots described, upon said assessment roll, on books prepared for that purpose, to be known as the city tax roll of said city, showing in separate columns the amount of highway, school, sewer, and other city taxes assessed to each person or lots in each year; and when said roll has been completed, footed, and balanced, which shall be on or before the first Monday in July, the said assessor shall deliver said assessment roll to the controller, who shall make entry of the same and of the totals of all taxes assessed thereon, on the books of his office, and the said controller shall, within one week thereafter, deposit said roll with the city treasurer and take his receipt therefor and charge him therewith.

Assessor and board of review.

City tax roll

SEC. 8. Before delivering said roll to the treasurer, a warrant shall be issued and annexed to such tax or assessment roll, signed by the controller and under the corporate seal of the city, directed to the treasurer, commanding and authorizing him to collect from the persons named in said assessment roll the tax or assessment therein set forth, due from such persons and unpaid on said roll on

Warrant.

the first Monday of November next ensuing, together with interest at the rate of one per cent per month, from and after the first day of the preceding August, for the benefit of said city, together with such collection fee as the common council may by resolution or ordinance prescribe, not exceeding three per cent, as compensation for the services of said treasurer in collecting the same, and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Saginaw, which warrant shall be returnable on the first day of February next ensuing.

Treasurer, duty of.

Upon the receipt of the tax roll by the treasurer as hereinbefore provided, the taxes thereon shall become and be due and payable, and the treasurer shall forthwith, upon the reception of the said tax roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the general city tax roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of one per centum upon all unpaid taxes will be made thereto on that day, and a like addition of one per centum will be made for each month thereafter until the first day of February next following; and that the payment of all taxes remaining unpaid on the first Monday of November will be enforced by levy and sale of any personal property which may be found in said county of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon the receipt of any tax the treasurer shall mark the same paid upon the proper roll, adding after the word "paid" the day and month when paid.

Notice, to publish.

Tax to be marked paid.

Treasurer, powers and duties.

SEC. 9. By virtue of the warrant by this act authorized to be issued by the controller, the city treasurer shall have power, and it shall be his duty to diligently search for and levy upon the personal property of persons from whom such taxes may be due, wherever the same may be found within the limits of Saginaw county, and he shall have the same powers, in respect to the seizure and sale of property and all other proceedings, to enforce the collection of the taxes upon his roll as are now, or may at any time hereafter, be conferred upon township treasurers by the general laws of this State.

Tax personal charge when.

SEC. 10. Every assessment or tax levied or imposed by the authority of the common council, or of this act, except where otherwise provided, shall constitute a charge against the person to whom assessed, from the date of the delivery of the tax roll to the city treasurer; and shall, together with all interest and charges, become and remain until paid, a lien upon the lands and tenements against which the same is assessed, from and after the first day of August next ensuing the delivery of said roll to the city treasurer, and all provisions of law respecting the return and sale of property for the

non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as is herein otherwise provided. The county treasurer of Saginaw county shall, on demand and as fast as the same are received, pay over to said city the full amount of all city taxes returned delinquent for non-payment, received by such county treasurer, together with the interest and the collection fee thereon. And he shall also, as soon as the same are received by the county, pay over unto said city the net proceeds of the sale of all property so returned delinquent for the non-payment of city taxes.

Delinquent city taxes.

SEC. 11. The controller of said city is hereby authorized, by proper deed of release, to sell, assign and transfer to any person or persons who shall pay to the city treasurer the amount for which the same was sold, together with interest thereon, all the claims said city has acquired in and to any lands heretofore bid in for the city under the provisions of the charter thereof, or any law of this State, and which have not been redeemed by the owner or other person interested therein.

Controller authorized to sell and deed.

SEC. 12. The controller shall also have authority and it shall be his duty to execute and deliver to any person, his heirs or assigns, on the presentation of the proper certificate, a deed or conveyance of any lot or parcel of land described in said certificate; which shall heretofore have been bid off by said person at any sale for delinquent taxes held by the village of South Saginaw, and such deed or conveyance shall have the same force and effect as it would have had if executed by the proper officers of said village.

Controller, duty of.

SEC. 13. It shall be the duty of the assessor to make a copy of the annual assessment roll, as finally confirmed by the board of review, upon which he shall ratably assess the county and State taxes, as provided by the general laws of this State. When said roll shall be completed, footed, and balanced, the assessor shall deliver the same to the controller, who shall annex thereto a warrant directed to the treasurer, commanding the collection of the taxes thereon assessed, and the returns to be made to the county treasurer, in like manner as the same is or may be by law required in warrants of township treasurers for the collection of taxes in the townships of this State.

Assessor, duty of.

SEC. 14. For public improvements and building school-houses and other public buildings in said city, the common council may, if thereto authorized by a vote of the electors of said city, as provided in section two, title five, of this act, borrow on the faith of the city, a sum not exceeding one hundred and twenty-five thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent per annum, payable semi-annually, and for that purpose may issue bonds of the city, signed by the mayor and clerk, and countersigned by the controller, and in such forms and sums, not exceeding in the aggregate the said sum of one hundred and twenty-five thousand dollars, as the said common council shall direct; and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but at not less than their par value, and the avails thereof shall be applied only for the purpose of public improve-

May borrow for public improvements \$125,000.

Interest, rate of.

Par value.

\$25,000.

ment and building school-houses and other public buildings in said city; but the common council may issue new bonds for the refunding of bonds and other evidences of debt, already issued, not exceeding twenty-five thousand dollars in any one year, and for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent per annum, to be sold as above provided, the proceeds to be applied solely to paying existing indebtedness: *Provided*, The aggregate of bonds issued under authority of this section shall not at any one time exceed the sum of one hundred and twenty-five thousand dollars.

Aggregate amount authorized must not be exceeded.

SEC. 15. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money or authorize the creation of any liability, or indebtedness against said city in any one year, exceeding in the aggregate the amount which by this act may be raised by tax for such year, and in case any sum or sums of money shall be borrowed by said common council in any one year or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money binding upon said city, the same shall be paid out of the sum raised by tax for such year, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever, but nothing in this act contained shall be construed to prohibit the common council from making assessments and levying and collecting taxes for the purpose of local improvements.

Money, how applied.

Property exempt from taxation.

SEC. 16. No real or personal property which shall be exempt from taxation by the general laws of this State, and no public square, park, or other public grounds or buildings, shall be assessed for the ordinary city, State or county taxes.

Sinking fund.

SEC. 17. The common council shall have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the funded debt of said city at the expiration of the time limited for the payment thereof; and for this purpose the common council shall have power to levy, assess and collect annually on the assessed value of the real and personal estate in said city taxes sufficient in amount to pay the interest accrued or to accrue on the funded debt of said city, for the year in which such tax is levied, and also not more than five thousand dollars for the purpose of the sinking fund to meet the payment of the funded debt of said city when due. The fund so raised shall not be used or borrowed for any other purpose than that for which it was raised. The fund raised for the payment of the principal of the funded debt when due, and such other sums as the treasurer is by this act required to credit to the sinking fund (except those raised for the payment of the interest of the funded debt), shall be securely invested by the treasurer, with the advice and written consent of said mayor and controller, in the bonds of the United States, the State of Michigan, or of the city of East Saginaw.

Funds, how invested.

Previously appropriated.

SEC. 18. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions, and orders direct-

ing the payment of money shall specify the object and purposes of such payment, which shall be certified by the clerk and countersigned by the controller before the same shall be paid by the treasurer.

Object specified.
Certified and countersigned.

SEC. 19. The common council shall possess the exclusive power to appropriate moneys and authorize the payment of claims and amounts chargeable against said corporation; but no unliquidated amount or claim shall be allowed or received for audit, by the common council or the controller, unless it be accompanied by the affidavit of the person rendering it or some person acquainted with the facts, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered to the city; that the sums charged therefore are reasonable and just; and that, to the best of his knowledge and belief, no set-off exists nor payment has been made on account thereof, except such as are included or referred to in such account or claim. It shall be a sufficient bar or answer to any action or proceeding in any court for the collection of any demand or claim against said city, that it has never been presented to the controller or common council for audit and allowance, or if so presented, was rejected for want of such affidavit, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it. All amounts due upon contracts shall be audited according to the terms thereof, without unreasonable delay; but on the final settlement thereon the contractor may be required to make the affidavit herein provided for as in the case of other accounts.

Appropriation of money.

Claim must be accompanied by affidavit.

Bar to action.

SEC. 20. The faith and property of the city of East Saginaw shall remain pledged for the final payment of all bonds issued and all moneys borrowed by said city, by authority of, or in accordance with this or any other act of the Legislature of this State.

Faith and property pledged for payment of bonds.

SEC. 21. The common council may, whenever thereto authorized by vote of the electors of the city as provided in section two of this title, levy such tax in any one year or succession of years as the electors of said city shall authorize for the purpose of constructing a city hall, court house, prison, workhouse, almshouse, bridge or bridges across the Saginaw River.

Tax, how levied for city hall, etc.

TITLE VI.

OF STREET AND PUBLIC IMPROVEMENTS.

SECTION 1. The common council of the city of East Saginaw shall have full power to lay out, open, widen, alter, close, fill in or grade, vacate or abolish any highway, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement.

Streets, etc.

SEC. 2. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution.

Resolution.

SEC. 3. The common council shall have the power to cause such of the streets and highways in said city as shall have been used for six years or more as public highways or streets, and which are not

Streets, etc., to be described and recorded.

sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council, and recorded in the book of street records, in the office of the clerk by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground, therein described.

Sewers, etc.

SEC. 4. The common council shall have the power to cause common sewers, drains and vaults, arches and bridges, wells, pumps, and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with stone, plank or other material, any street, lane, alley, highway, public ground, or sidewalk of said city, but all such improvements shall be done by the board of public works, as herein provided.

Grading, etc.

Discontinuing streets, etc.

SEC. 5. The common council shall have the same power in the relation to discontinuing any street, highway, lane, or alley in said city, which the commissioners of highways in townships have or may hereafter receive in relation to town highways, and they may adopt the same proceedings to effect such object as near as may be, as the commissioners of highways in townships are or may be by law required to adopt, and appeals may be taken to the recorder's court in like manner as far as practicable, as appeals are now or may hereafter by law be taken from the decisions of highway commissioners in townships, and the said recorder's court is hereby authorized and empowered to hear and determine such appeals.

Common council, duty of in regard to public improvements.

SEC. 6. Whenever the common council shall determine that the whole or any part of the expenses of any public improvement shall be defrayed by an assessment on the owners or occupants of lands to be benefited thereby, they shall so declare by an entry in their minutes, and cause the said improvement to be made, by and under the direction of the board of public works of said city, as provided by the act creating such board. The common council shall, either before or after the completion of said public improvement, also declare, by resolution, whether the whole or what portion of the costs of such improvement shall be assessed to such owners or occupants, and set forth all lots, blocks, and parcels [of] or real estate, or parts thereof which, in their opinion, will be benefited thereby, and which shall be assessed therefor.

Idem.

SEC. 7. The common council shall, upon the completion of any such public improvement, pass a resolution reciting the same, and the cost thereof, including the expense of making estimates, plans, surveys, assessments, and other expenses incident thereto, and may order the whole or so much as they may deem proper of such [expense] expenses to be assessed upon the said lots, blocks, and parcels of real estate which in their opinion will be so benefited thereby.

Certified copy of order.

SEC. 8. The city clerk shall, within one week after the making of such order, certify a copy of the same under seal, to the assessor of said city, who shall proceed without unnecessary delay to make

an assessment according to such order upon the persons and property in proportion to the benefit and advantage which said person or description of property is by him deemed to acquire from the making of said improvement; and said assessor shall make out an assessment roll, reciting in the heading thereof the improvement, and in the body of which shall be entered the names of the persons assessed, a description of the property and the amount or amounts in dollars and cents assessed thereon: *Provided*, In all cases where the same shall be vacant or unoccupied, and the ownership thereof unknown to the assessor, he shall in lieu of the name of said owner, insert the word "non-resident."

Assessment.

Non-resident.

SEC. 9. The assessor shall certify upon such roll that he has made said assessment upon the persons and property described, in accordance with the order of the common council relating thereto, and that the said roll contains a just and true assessment of the costs of such improvement, (stating the sum thereof), and that the several amounts assessed against each person and description of property has been set down as nearly as may be, and to the best of his judgment, according to the benefit and advantage which such person or description of property is by him deemed to acquire from the making of said improvement.

Assessor's certificate.

SEC. 10. As soon as said roll is completed and certified to, the assessor shall file the same with the city clerk, who shall letter it as "Special assessment roll (using the letters of the alphabet in their order), for the year 18—," and also endorse the date when so filed thereon, and report the same to the common council at its next meeting.

Special assessment roll.

SEC. 11. Upon such notice of the completion of such assessment, and filing of any special assessment roll, the common council shall cause notice to be given to all parties interested therein, reciting the names on said roll, by publication in a newspaper published in said city, for three successive days, that the common council will, at such time as they shall appoint, hear objections to and appeals from said assessment.

Notice.

Hearing objections to assessment.

SEC. 12. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment, or the said common council may ratify and confirm such assessment, without any corrections or with such corrections therein as they may deem proper.

Duty of common council.

SEC. 13. Every assessment roll so ratified and confirmed shall be final and conclusive, and within five days after the confirmation thereof, the controller shall deliver the same to the treasurer with his warrant, under the seal of the said city thereto annexed, returnable the first Monday of May next ensuing, which shall authorize and command the said treasurer, at the expiration of sixty days from its date, to levy and collect all such taxes as may then remain unpaid on such roll, together with the interest hereinafter specified, by distress and sale of any personal property of the persons charge-

Assessment roll and warrant.

Delivery of roll to treasurer.	able with such tax. Upon delivery of such roll to said treasurer, the taxes therein specified shall become and be due and payable, and shall constitute a lien upon the property in said roll described; and the treasurer shall forthwith give public notice of the delivery thereof to him, by publication for three successive days in the official paper of the city. During the period of sixty days next after the receipt of said roll by the treasurer, any person may pay to the treasurer the amount of any taxes assessed on said roll without interest; and at any time after the expiration of said sixty days until the same is put into the general city tax roll, as hereinafter provided, by payment of the amount thereof, together with interest at the rate of one per cent per month, computed from the expiration of the said sixty days to the date of payment. The treasurer shall be charged with the amount of such roll at the time of its delivery to him, and within five days after the return day of said roll he shall make and file under oath with said controller a full and complete transcript of all parcels of real estate in said roll upon which taxes remain unpaid, together with the amount thereof; and shall upon such return being made receive proper credit therefor upon the books of the controller. On or before the first day of June next following, the controller shall certify to the assessor the amount of such taxes, and a description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the rate of one per centum per month, on all sums so uncollected and unpaid, computed from the expiration of said sixty days hereinbefore specified, to the first day of August in the year in which the same shall be placed by the assessor, as herein provided, in the tax roll next thereafter to be made; and such tax shall then be levied, collected and returned, and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes.
Lien.	
Notice.	
Without interest for 60 days.	
Interest one per cent per month.	
Treasurer charged with amount of roll.	
Credited with taxes returned unpaid. ●	
Controller, assessor.	
Unpaid taxes.	
Sale of premises.	
Who liable for tax.	SEC. 14. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment made for the expense of any public improvement in the said city.
Tax may be recovered from the person liable.	SEC. 15. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid with interest. Nothing herein contained shall impair, or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.
Landlord and tenant.	
Excess to be returned.	SEC. 16. If, upon completion of any such improvement, for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them and the treasurer of said city shall pay the same to such persons entitled thereto, on demand. If it

appears that a greater sum of money has been expended, in the completion of such improvement, than was estimated as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses and lands benefited by such improvements, in the same manner as herein above directed, and the same proceeding, in all respects, shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

Assessment to pay excess of estimate.

SEC. 17. The term public improvement, as used in this act, shall be held and construed to include, not only those set out and recited in the first section of this title, but the stumping, ditching, and grading of all public streets, highways, lanes, and alleys, the construction of plank roads, the laying of pavements of wood or stone, including the cross-walk, flagging, and curbing, excavating and grading for the same; the planking, graveling or macadamizing, with broken or pounded stone, of the streets or road-ways of said city; the draining and filling of all the low lands and lots, and the general betterment of all streets, highways, lanes, alleys, parks, public places, and grounds within said city: *Provided*, Nothing herein contained shall be construed as preventing said city from enforcing the orders of said council or board of public works relative to sidewalks and drains or gutters, in the manner provided by this act.

Public improvements include what.

Proviso.

SEC. 18. All proceeding of the common council, under the provisions of this title, shall be matters of record in the proceedings of the common council, and shall not fail on account of any technical or clerical error made by any officer of the city, and shall be construed favorably by all courts of the State, and in case of litigation, that may arise between the corporation and any persons, out of proceedings under this title, the court shall require the complainants to furnish sufficient bonds and sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings, before granting process of injunction against the said corporation.

Proceedings matter of record.
Construction.

Surety for costs.

SEC. 19. The common council shall have power to require the owners or occupants of any lands in said city, to build, repair, keep in repair, and rebuild when necessary, all sidewalks in said city, and the common council may, by ordinance, prescribe the dimensions of all sidewalks to be built in said city, and of what material the same shall be constructed, repaired or rebuilt, and in such ordinance may fix the time within which the owner or occupant of any land, in front of which any sidewalk is to be built, repaired or rebuilt, shall build the same, and the common council may prescribe such penalty for violation of such ordinance as they may deem proper, not exceeding the amount limited by this act.

Sidewalks.

SEC. 20. The building, repairing, and rebuilding of all sidewalks in said city, shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to build, repair or rebuild any sidewalks in front of his or her premises, of such material and within the time fixed by the ordinance of said city, the board of public works of said city shall construct, repair

Idem.

or rebuild the same, and the cost and expense thereof shall be paid out of the proper fund of said city, and such cost and expense of building, repairing or rebuilding such walk may be recovered from the owner or occupant of the land in front of or adjacent to which such walk shall be built, repaired or rebuilt, with costs of suit, in an action to be brought by said city, in any court of competent jurisdiction, or such costs and expenses, to be certified to the assessor by said board, may be assessed upon the lands of such owner or occupant adjacent to such walk, in the manner as provided for other public improvements. Nothing herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks.

Idem.

SEC. 21. If the owner or occupant of any lands in said city shall neglect or refuse to comply with any order of said common council, or board of public works, concerning the repairing or rebuilding any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said city for all damages and costs recovered from said city by reason of such [sidewalk] sidewalks being out of repair, and such damages and costs may be recovered by said city, in any court of competent jurisdiction, with costs of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: *Provided*, That such owner or occupant shall be notified of the pendency of any suit brought against said city to recover such damages, and requested to assist in the defense thereof.

Proviso.

Ditches or gutters.

SEC. 22. The common council of said city shall have the power to compel the owners or occupants of any lands in said city, fronting on any street or streets in said city, to deepen or to clean out, or both deepen and clean out, the ditches or gutters at the sides of any and all streets in said city; and whenever the common council of said city shall determine that such ditches or gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the board of public works of said city to notify such owner or occupant of such lands to clean or deepen, or both clean and deepen such ditch or gutter, in such manner as said board shall direct, within ten days from the time of service of such notice; and in case any such owner or occupant shall refuse or neglect to comply with such notice, the work shall be done by the board of public works of said city, and the cost and expense thereof may be recovered by said city with costs of suit, before any court of competent jurisdiction; and such costs and expenses may be certified by said board to the assessor of said city, and be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements.

Resolution must lay over one week.

SEC. 23. No resolution, ordering the building, repairing, or rebuilding of sidewalks, or the deepening or cleaning of gutters or ditches, in any street in said city, shall be passed by the common council until the expiration of at least one week after such resolution shall have been offered or introduced before said council.

SEC. 24. To meet the expense of improving the streets in said city, by paving, grading, graveling, or otherwise, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by resolution authorize and direct the mayor, controller, and clerk of said city to borrow a sum not exceeding fifty thousand dollars in any one year for such purpose, and to issue [the] bonds of said city therefor, bearing interest at a rate not exceeding seven per cent per annum, payable semi-annually: *Provided*, That the total amount of bonds which the common council is thus authorized to issue shall not exceed one hundred and fifty thousand dollars outstanding at any one time. Of the amount of bonds which may be issued in any one year, one-fifth shall be made payable in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years, and one-fifth in five years from the date of issue. The said bonds to be indorsed "Street Improvement bonds," and to be numbered or lettered by the clerk consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the street improvement bond and interest fund. All said bonds shall be paid at maturity; and the common council shall not have power to authorize the reissue of the same bonds or of bonds to take up said original bonds.

Streets, paving, etc.

Interest not to exceed seven per cent.

Proviso.

How issued.

Street improvement bonds.

SEC. 25. All the sections of this title relative to ascertaining and assessing the cost of street improvements shall be applicable to the ascertainment of the cost of street improvements paid for by proceeds of street improvement bonds and the assessment of said cost upon the property benefited thereby, except that the assessment rolls shall be designated by the city clerk as street improvement rolls. Every assessment roll so ratified and confirmed shall be final and conclusive, and when any such assessment shall have been confirmed by the common council, the assessment roll shall be attested by the county [city] clerk under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping; and a copy of said roll, certified by the clerk of said city, shall be deposited with the controller and retained in his office. The assessor shall divide such assessment into five equal parts, one of which, together with interest for one year at a rate not exceeding seven per cent per annum upon all sums remaining unassessed, shall be placed in the annual tax roll in the street improvement bond column thereof, upon and opposite the description of property described in said assessment roll, in each year thereafter, until the same is all assessed upon said annual tax roll.

Street improvements.

Assessment roll.

Assessment to be divided into five parts.

SEC. 26. On or before the last Monday in April in each year the controller shall certify to the assessor the additional amount, not provided for in section twenty-five of this title, to meet the balance of the street improvement bonded indebtedness of the city maturing in the year following the first day of July next ensuing, and the annual interest on all outstanding street improvement bonds. Such amount the assessor shall spread on the annual tax roll, in the street improvement bond column thereof, upon all the real and personal property of the city; and such taxes, when so assessed by

Balance of street improvement bonded indebtedness.

the assessor, shall become a lien upon the premises assessed the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city; and, for non-payment thereof, the premises may be sold in the same manner as for the non-payment of other taxes levied in the said city; and when so collected shall be placed to the credit of the street improvement bond and interest fund, and shall be applied to the payment of the interest on said street improvement bonds, and [of] the principal of said bonds as they shall fall due, and for investment, as provided for in this act, and for no other purpose.

Funds, how to be invested.

SEC. 27. After payment into the treasury of any money received for assessment or taxes under the street improvement system, the city treasurer shall, under the direction of the mayor and controller, invest such sums not required to pay expenditures, interest on [or] bonds during the current year in stocks of the United States or of this State, or purchase therewith unmatured street improvement bonds or other bonds of said city as may be most expedient or beneficial to the city.

Non-residents to be assessed.

SEC. 28. The common council are hereby authorized to cause to be assessed the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances, and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of non-payment of the same, as in relation to the assessments for public improvements in said city; except as the common council may otherwise determine or direct.

Sewer tax.

SEC. 29. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain, as follows, to wit: The sum of five dollars for making connection with any such drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, which sums shall, with names of such individuals and the descriptions of such lands or premises, liable to pay the same, be reported annually, on or before the last Saturday in May in each year by the board of public works, to the assessor, who shall assess the same upon such persons and lands, and place the same in the annual tax roll, in the sewer column, and the same shall be enforced and collected in the same manner as general taxes of said city, and shall go into the sewer contingent fund, and shall be expended exclusively for the repairs of sewers.

Levy and sale.

SEC. 30. When the treasurer shall have levied on personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same in the same manner and upon like notice, and make return of all money received therefrom, as is or may be required by the general laws of this State in the levy and sale of personal property for the non-payment of taxes by township treasurers.

SEC. 31. The common council shall permit any person who shall

be the owner or agent of any tract, plat, or addition within the limits of said city, to improve, grade, plank, or pave any street lying within said tract, plat, or addition; the cost of which, if improved by the order of the council, could be assessed against such person or agent: *Provided*, All such work shall be done under the superintendence of the board of public works, and shall, in all respects, conform to the established plan and grades for streets in said city.

Person permitted to make improvements, etc.

Proviso.

Vacating assessments.

New assessments.

SEC. 32. Whenever said special assessment for the improvement of a street, or for any other public work, shall, in the opinion of the common council, be deemed invalid, said common council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said common council may cause a new assessment to be made. Such new assessment shall be made in the manner provided for making original assessments of like nature, and whenever the tax or any part thereof, assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the assessor and controller to apply said assessment upon the re-assessment upon said lot or parcel, and to make a minute thereof upon the new assessment roll. All the provisions of this act making special assessments a charge against the persons assessed, or a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection and return of special assessments, shall in like manner apply to such re-assessment.

TITLE VII.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire, hose, and hook-and-ladder companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen, and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen and officers.

Fire department.

SEC. 2. The common council shall also have such further powers and duties in relation to fires, and to the prevention thereof, and to the fire department of said city, as is conferred by the provisions of chapter XXIX, of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," approved April twenty-nine, eighteen hundred and seventy-three, being subdivision XXIX of chapter eighty, I Howell's Annotated Statutes, or which are now

Common council, powers and duties.

or may at any time hereafter be conferred by the general laws of this State.

TITLE VIII.

SUPPORT OF THE POOR.

Director of the poor.

SECTION 1. The director of the poor shall possess all the powers and authority of directors of the poor of towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents shall become chargeable to the said city, or to the county of Saginaw, in said city; the safe keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons; the support of bastards; and all such other powers as are conferred on directors of the poor in the respective towns, and shall be subject to the same duties, obligations, and liabilities.

Almshouse.

SEC. 2. Whenever the common council shall be authorized so to do by the electors of said city in the manner provided by this act, they may by a vote of two-thirds of all the members thereof, cause an almshouse to be erected within or without the city limits, and may provide for the expense of the maintaining of the almshouse by a tax or taxes on the real estate within the said city, and on the personal property of residents therein, in the same manner as hereinbefore provided in respect to taxes for the general expenses of the said city, and the same proceedings for that purpose shall be had in all respects.

Officers and regulations.

SEC. 3. The common council shall appoint such other officers and servants for the government and management of the said almshouse as they shall deem necessary, and they shall hold their appointment during the pleasure of the common council; and the common council shall make such regulations as they think necessary for the government, management, support, and good order of the said almshouse, its tenants, officers, keepers, and servants.

Manufactures, etc.

SEC. 4. The common council may cause such labor in manufactures or otherwise, to be performed by the tenants of such almshouse as they shall prescribe, and may provide the materials and implements therefor at the expense of the city.

License fees belong to the poor fund.

SEC. 5. All moneys that shall be raised in [the] said city by licenses to groceries, tavern-keepers, or common victualers, and for penalties for the violation of any law of this State regulating the retailing of spirituous liquors, shall be paid into the city treasury, and shall belong to and constitute a part of the fund of the city for the support of the poor therein, and shall be deposited for safe keeping by the treasurer as other moneys under his care; and accounts thereof shall be kept, and the same shall be drawn, in the manner hereinbefore prescribed in relation to the funds of said city.

TITLE IX.

PUBLIC HEALTH.

SECTION 1. The common council of the city of East Saginaw shall be the board of health of said city, and may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the common council may prescribe or the public safety require. Board of health.

SEC. 2. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning, and regulating any grounds, yards, basins, slips, or cellars, within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose, by proper ordinance, to cause the expenses thereof to be estimated, assessed, and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements. By-laws, etc.,
pertaining to
cleaning the
city, etc.

Expenses.

SEC. 3. The said common council shall have such further powers and duties in relation to the public health of said city, as are conferred by the provisions of chapter XIV, of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," being subdivision XIV of chapter eighty of I Howell's Annotated Statutes, and the acts amendatory thereof, and such further powers and duties as are now or may hereafter be conferred by the general Health, powers
and duties of
common coun-
cil.

laws of the State upon the boards of health of townships or incorporated cities.

TITLE X.

SEWERS—CONSTRUCTION, MAINTENANCE, ASSESSMENTS.

Board of public works superintendent of sewers, etc.

SECTION 1. The board of public works shall have exclusive superintendence and management of all sewers, drains, or pools now constructed or to be constructed, and shall make all rules and regulations relative to the construction, use, and preservation of sewers and all private drains entering sewers. If any person shall, in constructing any private drain, or making any connection with a sewer, neglect or refuse to follow and conform to such regulations, the said board may cause such work to be done in accordance with such rules and regulations, and the cost thereof shall be certified by the board to the assessor; and such costs, when certified to the assessor, shall be a lien on the land or premises using such drain or connection with the sewer, and the assessor shall assess the same upon the owners of such premises in the next annual tax roll, in the sewer bond and interest column thereof, and it shall be collected and paid as provided for the general taxes.

Cost to be estimated and reported.

SEC. 2. The current cost of altering, repairing and cleaning sewers and drains, and all incidental expenses of management, shall be estimated by the board of public works, who shall report to the common council on or before the last Saturday in May in each year, the amount so estimated and required for the next ensuing year, and when the same is approved by the common council, shall be assessed by the assessor upon the real and personal property in the city of East Saginaw, and included in the next annual tax roll of said city, placed in the sewer contingent tax column, and when collected, placed to the credit of the sewer contingent fund.

To be assessed.

Sewer fund.

Plan of drainage and sewerage.

SEC. 3. The said board of public works shall have power to devise and frame a plan of additional drainage and sewerage of the whole of said city upon a regular system, for the purpose of thoroughly draining and carrying off the water and filth proper to be carried off by sewers, for the health and convenience of the inhabitants of said city. The plan shall show the location, direction and size of each drain and sewer, whether mains or laterals, and connections with other drains and sewers; and such other particulars as may be necessary and proper for the purpose of presenting a complete and entire plan of such drainage and sewerage, but this provision shall not be construed as changing in any way the present sewer plan of said city.

Notice to be published of time and place of meeting.

SEC. 4. Whenever the said board shall have prepared the said plan of additional drainage and sewerage, in whole or in part, of said city, they shall cause public notice to be given in all the newspapers in the city of East Saginaw, that such plan has been filed in their office for inspection, and that they will meet at a time and place in said city, to be specified in said notice, not less than ten days after the first publication of such notice, when and where they will receive the views and suggestions and objections of any parties

interested in the drainage and sewerage of said city. The said Hearing. board shall hear such parties at the time and place so specified, or at any adjourned meeting then and there proclaimed, and shall thereupon amend and correct the same as they may deem proper, and when the said plan is so prepared and corrected, the same shall be submitted to the common council, and upon its being adopted and confirmed by that body, and certified to by the city clerk and said board, shall be filed in the office of register of deeds of Saginaw county, whereupon the plan or any part thereof, therein set forth, shall become the permanent plan of sewerage of said city, subject to be changed only by the unanimous recommendation of said board, Filed with the register of deeds. and of the votes of two-thirds of the members of the common council, certified and filed as herein provided. How changed.

SEC. 5. The said board shall, in the month of April in each year, Board to report. report to the common council what public sewers or drains they deem necessary to build in the ensuing year, and shall accompany the report with an estimate of the cost of each and all such drains and sewers. Estimate of cost.

SEC. 6. The common council shall decide what public sewers and drains of those reported by the said board, in accordance with such sewerage plan, shall be built, and shall through the city clerk notify the board of their decision; and said board shall proceed to advertise for proposals to build the sewers and drains ordered to be built by the common council, under such specifications and forms as said board shall deem necessary, in manner and form required by the act incorporating said board of public works. Sewers to be built. To advertise for proposals.

SEC. 7. Said board shall not lay down or construct any sewer or drain in said city, or purchase any material, or enter into any contract, except as herein provided, except in case of any unexpected casualty or damage to the sewers or drains of said city, in which case said board may cause the same to be repaired to an amount not exceeding five hundred dollars. Sewers, how constructed.

SEC. 8. To meet the expense of the construction of sewers in said city, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by resolution authorize and direct the mayor, controller, and clerk of said city to borrow a sum not exceeding twenty-five thousand dollars in any one year for such purpose, and to issue the bonds of said city therefor, bearing interest at a rate not exceeding seven per cent per annum, payable semi-annually: *Provided*, That the total amount of bonds which the common council is thus authorized to issue shall not exceed one hundred and fifty thousand dollars outstanding at any one time. Of the amount of bonds which may be issued in any one year, one-third shall be made payable in two years, one-third in four years, and one-third in six years from the date of issue. The said bonds to be indorsed "Sewer Bonds," and to be numbered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the sewer fund. All said bonds shall be paid at maturity; and the common council shall May borrow \$25,000. Proviso. Bonds, how made payable. Sewer bonds. Sewer fund.

Assessment, by
whom made
and collected.

not have power to authorize the reissue of the same bonds, or of bonds to take up said original bonds.

SEC. 9. The assessment for the cost of the construction of lateral sewers shall be made by the board of public works, and collected by the city treasurer, in the manner herein provided for making and collecting special assessments.

Expense of
sewers, how
borne.

SEC. 10. The expense attending the construction of sewers shall be borne as follows, that is to say: The amount of expense of constructing any lateral drain or sewer, and such proportion of the expense of constructing any main drain or sewer as the construction of a proper lateral drain or sewer for the street in which such main drain or sewer shall be laid, would, in the opinion of the board of public works, amount to, shall be assessed by the said board upon the lots through or near which such drain or sewer shall be laid, in proportion to the benefit derived by them respectively therefrom. The amount of so much of the expense of constructing any main drain or sewer as shall exceed the cost of a proper lateral drain or sewer shall be assessed upon the real and personal property included within the corporate limits of the city of East Saginaw, in proportion to the assessed valuation of the property in said city.

Assessments
and diagrams.

SEC. 11. The said board of public works shall cause assessments for the expenses aforesaid of each lateral sewer constructed, to be made out in proper form, with diagrams showing the property assessed, and the names of the owners thereof, when known; and when such assessment is made, the said board shall submit the same to the common council. Upon the submission as aforesaid, the clerk of the city shall cause notice of the same, with the names of all parties interested, to be published in the official newspaper of the city for three successive times, that the common council will, on such a day as they shall appoint, proceed to hear any appeals from the said assessment.

Notice to be
published.

Appeals from
assessment.

Duty of com-
mon council
therein.

SEC. 12. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessments, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment; or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper. When any such assessment for the construction of sewers shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping; and a copy of said roll, certified by the clerk of said city, shall be deposited with the controller and retained in his office. The assessor shall divide such assessment on all sewers hereafter ordered into five equal parts, one of which, together with interest for one year upon all sums remaining unassessed, shall be placed in the annual tax roll in the sewer column thereof upon and opposite the description of property described in said sewer assessment roll, in each year, thereafter until the same is all assessed upon said annual tax rolls. The rate

Assessment to
be divided into
five parts.

of interest upon said assessments shall be fixed by the common council at a rate not exceeding the interest borne by the bonds of said city issued to defray the expense of constructing said sewers. Rate of interest.

SEC. 13. On or before the last Monday in April in each year the controller shall certify to the assessor the additional amount not provided [for] in the preceding section, to meet the balance of the sewer bonded indebtedness of the city maturing in the year following the first day of July next ensuing, and the annual interest on all outstanding sewer bonds. Such amount the assessor shall spread on the annual tax roll, in the sewer column thereof, upon all the real and personal property of the city, together with the amounts certified to him by the common council for sewer purposes, and also the estimated amount for annual repairs as hereinbefore provided for, and all other sewer construction expenses otherwise provided for, and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid; and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof the premises may be sold in the same manner as for the non-payment of other taxes levied in the said city, and when so collected shall be placed to the credit of the sewer bond and interest fund, and shall be applied to the payment of the interest on said sewer bonds, and of the principal of said bonds as they shall fall due, and for investment as provided for in this act, and for no other purpose. Controller and assessor, duties of in regard to sewer indebtedness. Lien. Sewer fund.

SEC. 14. After payment into the treasury of any money received for assessment or taxes under the sewerage system the city treasurer shall, under the direction of the mayor and controller, invest such sums not required to pay expenditures, interest or bonds during the current year, in stocks of the United States or of this State, or purchase therewith unmatured sewer bonds or other bonds of said city, as may be most expedient or beneficial to the city. Moneys, how invested.

SEC. 15. In case said board of public works shall, in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer through any private property, and such sewer or drain cannot be constructed so as to properly drain any portion of said city, without carrying the same through such private property not opened as public, it shall be lawful for said board, or a majority of them, to present a petition to the common council for appropriating said property, and said common council shall proceed to open the same, as hereinafter provided. Appropriating private property.

SEC. 16. The said board may prescribe regulations for the use of said sewers; may license persons to open the same, and may prescribe a fee for opening and making connection with any sewer, to be paid to city treasurer, and by him placed to the credit of sewer contingent fund. Regulations, license, fees. Sewer contingent fund.

SEC. 17. Whenever necessary private property may be appropriated for the purpose of laying out, constructing, extending, or enlarging any public sewer, or the outlet thereof, under and pursuant to the provisions of "An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal

act number twenty-six of the public acts of eighteen hundred and eighty-two," approved May thirty-first, eighteen hundred and eighty-three; or under or pursuant to any general law of the State which may be hereafter enacted.

TITLE XI.

POLICE DEPARTMENT.

Board of police commissioners.

SECTION 1. The mayor and two other persons, who shall be appointed by the common council, as provided for in section five, Title II, of this charter, shall constitute a board of police commissioners for the city of East Saginaw; said board or a majority of them shall have full power to try and determine all complaints against the marshal or any policeman or watchman of the city, and to remove them, or any of them, summarily, on conviction for insubordination, neglect of duty, or violation of any of the ordinances or rules and regulations made or hereafter to be made for the government of the police department of the city of East Saginaw. The city clerk shall be clerk of said board and shall keep its record. Said commissioners shall receive no compensation. Such commissioners may be removed for the same causes, and upon the same proceedings, as a member of the common council. In case any vacancy occurs, the common council shall appoint some person to fill the unexpired portion of the term.

Clerk.

Removal.

Vacancy, how filled.

Power of board to subpoena witnesses, etc.

SEC. 2. Such board, when convened for the purposes mentioned in the preceding section, shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and to do such other acts as may be lawful to be done by any court, for the purpose mentioned in section one of this title.

Marshal.

SEC. 3. The said board of police commissioners shall have power to appoint a marshal and a captain of police, and such number of policemen with pay, and such number of watchmen without pay as said board shall deem expedient. In time of special emergency, or apprehended danger from riot, or other cause of alarm, said board may appoint as many patrolmen, with or without compensation, as they may deem expedient. They shall also appoint a keeper of the city prison or prisons.

Captain of police.

Patrolmen.

Keeper of city prison.

Police force, etc., control of.

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointments, and discipline within said city. It shall have the custody and control of all public property, books, records, and equipments belonging to the police department, and shall have power to erect and maintain all such lines of telegraph in such places within the said city as for purposes of police the board shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines and provide for the cost thereof.

Public property.

Telegraph lines.

Official oath.

SEC. 5. Any member of the police force appointed by said board shall, before entering upon the duties of his office, make and file with the clerk of said board the official oath provided for in this

act. After filing said official oath, the policeman so appointed shall possess all the common and statutory powers of constables, except for the service of civil process; they shall have power to serve any summons, subpoena, warrant, order, notice, paper or process whatever, issued or directed by any justice of the peace, judge, court or officer whatever, of the State of Michigan, in the execution of the laws of this State for the prevention of crimes and the punishment of offenders, or the police laws and regulations of the city or State, in any proceeding collateral to or connected with the execution of such general laws or police laws and regulations in any part of this State, without backing or endorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoena, warrant, commitment, order, notice, paper, process whatever, issued out of the recorder's court, or by the police justice in his capacity as such, in all criminal cases, and in all civil cases wherein the said city is a party in any proceedings, and shall be detailed by the proper officers to attend, instead of the sheriff, deputy sheriffs, or constables, the said recorder's court and police justice, whenever said court or justice is engaged in the trial of criminal cases or civil cases wherein the said city is a party. For the time engaged in active service, each member so engaged shall be paid such salary as shall be recommended by the board and approved by the common council: *Provided, however,* That if the common council does not approve the sum agreed upon by the board, it may fix the amount of compensation at any sum not exceeding that agreed upon by the board.

Policeman,
powers of.

Salary.

SEC. 6. It shall be the duty of said board and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city of East Saginaw, to preserve the public peace, and prevent crimes, and arrest offenders; to protect rights of persons and property; to guard the public health; to preserve order; to enforce all the laws of the State and all ordinances of said city, and all orders and resolutions of the common council of said city. The expense of apprehending, examining, and committing of offenders against any law of this State in the said city, and of their confinement, shall be audited and paid by the supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county, and the clerk of the board of supervisors shall immediately, on the allowance of any such claim in favor of any member of the police force of this city notify the president of the board of police commissioners of the same, with the name of the officer to whom allowed, and the amount of such allowance. It shall be the duty of said board to remove nuisances existing in public streets, roads, places, and highways; to report all leaks and defects in water pipe and sewers to the proper authorities; to provide a proper force at every public fire, in order that thereby the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat and ship landings, and railway stations; and generally to carry out and enforce all

Duty of police
board and force.Expense of ap-
prehending of-
fenders.

Duty of board.

ordinances of the city and laws of the State. Whenever any crime shall have been committed in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police commissioners may, at their discretion, authorize any person to pursue and arrest such accused or suspected person or persons and bring them before the proper court for trial and examination.

Bribes.

SEC. 7. No member of the board of police commissioners or of the police force shall receive or share in, under any pretenses whatever, any present, fee, gift, or emolument for police service, other than the regular salary and pay, except by the unanimous consent of said board; and it shall be the duty of every member of said board and of the police force to return to the clerk of said board (to be disposed of as hereinafter provided) every present, fee, gift, or emolument received by him; and all moneys and proceeds of property received from this source shall be disposed of by said board as if the same had been paid or given for extraordinary services as prescribed hereafter in this title. Nor shall any member of said force receive or share in any fee, gift, emolument or reward from any person who may become bail for the appearance of any arrested, accused, or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift, or reward, in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Saginaw; nor shall any member, either directly or indirectly interest himself, or interfere in any manner whatever, in the employment or retainer of any attorney to aid in the defense of any person arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office.

Penalty.

**Rewards, fees,
etc., how dis-
posed of.**

SEC. 8. All rewards, fees, proceeds of gifts or emoluments that may be allowed by the board of police, to be paid or given for or on account of any extraordinary services of any member of the police force, unless otherwise appropriated by the board, and all moneys arising from the sale of unclaimed goods, shall be paid into the general fund of the city treasurer, except that all sums received by the clerk of said board shall be paid to the city treasurer, and by him credited to the police fund. The said board may, whenever they deem it necessary for the proper and efficient police regulations in said city, direct the city treasurer to transfer to the police fund, and to pay out of said police fund such sums, and to such persons as they shall direct, upon orders drawn by the clerk of said board and countersigned by the president thereof and the city controller: *Provided*, The sum or sums so paid out shall not exceed the amount paid into said general fund derived from the sources mentioned in this act.

Proviso.

**Gaming house,
etc., complaint
against.**

SEC. 9. If any member of the force, or if any two or more householders shall report in writing under his or their signatures to the marshal of said city, that there are good grounds (which shall be stated in said report) for believing any house, room, or premises

within said city to be kept or used as a common gaming house, common gaming room, or common gaming premises for therein playing for wagers of money at any game of chance, or to be kept or used for lewd and obscene purposes and amusements, or the deposit and sale of lottery tickets or lottery policies, or as a cock pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade, or occupation, or calling, practice, or act prohibited by law, it shall be lawful for the said marshal to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against the law, or aiding or abetting in such offense, but none others, and seize all implements of gaming or lottery tickets, or lottery policies, and convey any persons so arrested before a magistrate having jurisdiction in said city, and bring the articles so seized. It shall be the duty of the marshal to cause such arrested person to be prosecuted vigorously, and if the magistrate shall find that the articles so seized were used or intended to be used in gaming, or for any other unlawful purpose, he shall order the same to be destroyed.

Authorized to enter, arrest, and seize.

SEC. 10. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing, to the marshal; and no person who shall withdraw or resign without giving such notice, or who shall have been removed from the police force for cause, shall be reappointed by the board of police to any office in the said police force.

Policemen, resignation or removal.

SEC. 11. All property or money seized by the members of the police force on suspicion of having been feloniously obtained, or of being the proceeds of crime; also all property coming in possession of said police force by fining or otherwise; and all moneys or property taken by any member of said force from any intoxicated or insane person, or person otherwise incapable of taking care of himself, shall be forthwith delivered to the clerk of said board, and by him registered in a book kept for that purpose, together with the name of the owner, if ascertained, time and place, when and where found, or taken, and the name of the officer by whom found or taken. And in the case of all lost money or property, or property or money seized upon suspicion of having been feloniously obtained, or being the proceeds of crime, the said clerk shall within five days after seizure or finding of the same, post up at the police headquarters of said city a notice describing briefly the property seized or found, and the date, place, and circumstances of finding or seizure. And all such property and money shall be retained by said clerk, irrepleviable until disposed of as hereinafter provided. Any member of the said police force who shall neglect or refuse to deposit with the clerk of said board the property taken or found as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction, fined a sum not less than the value of the property taken or found, nor exceeding one thousand dollars and imprisonment not exceeding one year.

Property taken by police, how disposed of.

Notice to be posted.

Police, penalty for neglect of certain duty.

Money, etc.,
how disposed of.

To be restored.

To be held by
clerk.

Idem.

In case of ac-
quittal to be
restored.

Proviso.

Bond.

Clerk's petition
to sell property.

Order of court.

Publication of
order.

SEC. 12. The moneys and property seized, taken or found under the provisions of section eleven, shall be disposed of as follows :

First, All money and property taken from an intoxicated or insane person, or person otherwise incapable, at the time, of taking care of himself, shall be restored to such person or his proper legal representatives, as soon as the immediate necessity for such seizure, on account of the intoxication or incapacity of such person has ceased.

Second, All lost property, the ownership of which may be unknown, shall remain in the hands of the clerk of said board until satisfactory proof under oath by any claimant shall have been made and filed with said clerk, together with the bond hereinafter provided for.

Third, All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, shall remain in the custody of said clerk until such time as the person from whom the same may have been taken shall have [been] tried ; and the court before which such person shall be tried shall have authority, upon a proper hearing of the accused, and of all other claimants to said property, to make such order for the restoration thereof as the proof respecting the ownership of said property may require. If no order for the restoration thereof be made, said property, within ten days after the acquittal of the person from whom the same may have been taken, shall be restored to him : *Provided*, That any claimant of property or money, whether lost or seized on suspicion of having been feloniously obtained, or of being the proceeds of crime, shall before delivery to him of such property or money, execute and deliver a bond with two good and sufficient sureties, to be approved by the clerk of said board, with penalty double the amount or value of said property or money, running to the clerk of said board or his successor in office, and conditioned that such claimant, to whom such [said] property or money shall be delivered, will upon demand restore the same, or make payment of the full value thereof to the true owner of said money or property, who may at any time thereafter, by proper proceedings in any court of competent jurisdiction, establish his title thereto.

SEC. 13. In each year, at the June term of the recorder's court for the city of East Saginaw, the clerk of said board shall present a petition praying that all such property and moneys as have remained in his hands unclaimed for a period of six months or more preceding that date, be condemned and sold, and the proceeds thereof paid into the police fund. Upon filing of such petition said court shall make an order, briefly describing the property, stating that application for condemnation and sale thereof has been made by the clerk of said board, and requiring all persons interested therein, by way of ownership or otherwise, to appear and show cause, if any there be, at a session of said court, to be therein designated, why such property should not be condemned and sold, and the proceeds thereof paid into said fund. Such order shall be published for a period of not less than three weeks in the official paper of said city, and at the time and place designated by the

order of the court; and upon due proof of publication of said order, the court shall proceed, unless cause be shown to the contrary, to condemn and order sale of said property, and payment of the proceeds thereof into said fund, and shall in and by the order, have power to direct the time and manner of sale. After the making of such sale the clerk of said court, or the said city of East Saginaw, shall not be required to answer in any form or to any extent to any person claiming ownership or right of possession to any of such property so condemned and sold; but such condemnation and sale shall bar all right of recovery thereof.

Rights under
condemnation.

SEC. 14. The board of police shall require and make suitable provisions concerning security to be entered into by the marshal, the captain of police, and the clerk of said board; and said board, in their discretion, may require security from any member of the force, conditional for the performance of duty involving the care and disposition of property.

Security.

SEC. 15. Any person who has no trade or occupation at which he or she actually labors, and has no visible means of support, or frequents houses of ill-fame, or places for retailing of spirituous liquors, or places where gaming for money is carried on, or any person who, having been convicted and imprisoned for any offense by any justice of the peace or any court in this State, who has no trade or occupation at which he actually labors, or frequents places for the retail of spirituous liquors, or houses of ill-fame, or places where gaming for money is carried on, or any person in whose possession burglar tools shall be found, for the possession of which he or she cannot account satisfactorily, shall be deemed a disorderly person, and shall be complained against, examined, and dealt with as is provided for by the statutes of this State for disorderly persons.

Disorderly per-
sons, who
deemed.

TITLE XII.

COURTS OF JUSTICE.

SECTION 1. There shall be a municipal court in and for the city of East Saginaw, to be known as the recorder's court, which court shall be a court of record. The recorder of said city shall be the judge of said court. No person shall be elected recorder unless he is a resident elector of the city of East Saginaw, and at the time of his election an attorney and counselor at law of the supreme court of this State.

Recorder's
court.

Recorder.

SEC. 2. The city clerk shall be *ex officio* clerk of the recorder's court, and he may appoint a deputy who shall be authorized to perform all the duties of the clerk of said court, but the clerk and his sureties shall be responsible for the acts of the deputy.

City clerk.

SEC. 3. Said recorder's court shall have original and exclusive jurisdiction in all actions and proceedings to open, widen or extend any public street or alley, and of all other proceedings where it shall be necessary to appropriate private property for any public use within said city.

Recorder's
court.

SEC. 4. The recorder's court shall be held on the second Monday of each month, and the terms of said court may be continued

Idem.

until the business is disposed of; and special sessions may be held as often as may be deemed necessary; and if from any cause the judge of said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have power, and it shall be his duty, to open said court and adjourn it from time to time, until the judge shall be able to attend; and in such case all proceedings, and matters pending in said court, shall stand continued until said judge can hold said court; and it shall be lawful for said judge or clerk to administer oaths to witnesses on the trial of a cause, to take affidavits or depositions to be read in said court under the rules and practice thereof.

Journal.

SEC. 5. The clerk of said court shall keep a journal of the proceedings of the court, under the direction of the judge, and all entries therein shall be read in open court by the clerk, from day to day, and shall be corrected when necessary and signed by the judge thereof.

Idem.

SEC. 6. The said journal shall be and remain a public record in the office of the clerk of said court, and shall be by him delivered over to his successor in office, together with the books and papers belonging to said office; and the recorder's successor in office shall be authorized to continue and complete all proceedings begun by his predecessor. Any record or entry made in said journal, as aforesaid, may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board, in which it may be necessary to refer thereto, either from the journal itself or from a copy thereof, certified by the clerk, with the seal of the court affixed.

Fine and imprisonment.

SEC. 7. The said recorder's court shall have full power to punish for contempt of court, by fine or imprisonment, or both, but such fine shall not exceed twenty-five dollars, nor such imprisonment sixty days. The marshal, and so many policemen or constables as may be required, shall attend the recorder's court, obey its orders, and execute and return all processes issuing out of said court to them directed, in the same manner as sheriffs or other officers of courts of record in this State.

Marshal, policemen or constables to attend recorder's court.

Writs and process to run in whose name.

SEC. 8. All writs and process from the recorder's court shall run in the name of the people of the State of Michigan, be directed to the marshal or any policeman or constable of said city, shall bear test in the name of the recorder, shall be sealed with the seal of said court, signed by the clerk, and dated on the day on which the same shall be issued.

Seal.

Practice in.

SEC. 9. The practice in said court shall, so far as the same may be applicable, conform to the rules and practice prevailing in the circuit courts of this State, but the court may make such special rules, not inconsistent therewith, as may be required for the dispatch of business in said court.

Special rules.

Recorder's fees.

SEC. 10. The recorder shall be entitled to the following fees, to be audited and paid out of the general fund: For hearing and deciding any special motion, five dollars; for trial of any cause, five dollars per day for time actually employed in the trial thereof.

SEC. 11. The circuit court of the county of Saginaw shall have exclusive appellate jurisdiction of all causes, civil and criminal, brought before any of said justices of the peace of said city, and also of all prosecutions brought before said police justices for violation of this act or of any ordinance of said city, and of all actions for the recovery of any fine, penalty or forfeiture for the violation thereof. Appeals may be taken from and writs of *certiorari* may issue to said justices of the peace and police justices, in the same cases, upon the same conditions, and with like effect, as is now or may at any time hereafter be provided by the general laws of the State, in respect to actions, prosecutions and proceedings before justices of the peace in the several townships of the State: *Provided*, That on the trial of all appeals from any convictions for violation of the provisions of this act, or of any ordinance made in pursuance thereof, the city attorney shall be entitled to appear and to prosecute the same, and may exercise the same powers and perform the same duties in the prosecution thereof, as are exercised and performed by the prosecuting attorney of Saginaw county on the trial in said court of offenses against the general laws of the State.

Exclusive appellate jurisdiction.

Appeals, certiorari.

City attorney.

ENFORCEMENT OF ORDINANCES.

SEC. 12. Prosecutions for violations of any of the ordinances of the common council of said city may be commenced before the justice of the peace of said city, designated by the common council of said city as a police justice, by complaint and warrant; and upon complaint in writing, and on oath being made before said justice, setting forth briefly what ordinance of said city has been violated, and in what manner and by whom, said justice shall issue his warrant, directed to any policeman or constable of said city, reciting the substance of such complaint, and commanding such officer, in the name of the people of the State of Michigan, to arrest the person named in said complaint, and bring him forthwith before said justice to be dealt with according to law; and upon such person so being brought before such justice, such proceedings shall be had as are provided for the trial of criminal cases before justices of the peace by the general laws of the State of Michigan.

Ordinances, enforcement of.

Police justice.

SEC. 13. Any policeman, constable or other officer of said city may arrest any person, without warrant, while in the act of violating any ordinance of said city; and the person so arrested shall be forthwith taken before the justice of the peace, so designated by said common council, as aforesaid, and complaint then made against the person so arrested, and such proceedings shall thereupon be had as provided in section twelve, except that no warrant need be issued for the arrest of the person so brought before said justice: *Provided*, That any person so arrested in the night time may be detained in custody until such time as he can be taken before such justice.

May arrest without warrant.

Proviso.

SEC. 14. Upon conviction of any person in prosecutions commenced by complaint, it shall be the duty of the justice before

Conviction, sentence.

whom such conviction is had to sentence the offender to pay such fine or penalty as said justice may determine, not exceeding the amount specified in the ordinance violated, together with the costs of prosecution, within such time as said justice shall order; and in default of such payment said justice shall order the offender to be imprisoned in the city jail, or in the county jail of Saginaw county, for such time as such justice may determine, not exceeding the time fixed in and by the ordinances for the violation of which said offender was convicted; and said justice shall issue a commitment to the officer who arrested such offender, or to any constable or policeman of said city, and to the keeper of the jail in which such offender is ordered to be imprisoned, commanding that said offender be taken to said jail, and there confined for the time ordered by said justice, and it is hereby made the duty of the officer to whom such commitment is directed to obey the same. Any person so imprisoned shall be entitled to his discharge upon payment to said justice of the amount of such fine or penalty and costs.

City or county jail.

Commitment.

Discharge.

Trial by jury.

SEC. 15. Any person arrested for violating any ordinance of said city may demand a trial by jury, which shall be summoned in the same manner as is provided by the laws of the State of Michigan for trial of criminal cases before justices of the peace, but no jury shall be demanded in any prosecution for acts committed which are not criminal by the general laws of this State, except upon payment by the defendant of the fees provided by law for the summoning of said jury; and in case of a demand for a trial by jury some member of the police force of said city shall prepare the list, receive the *venire*, and summon said jury.

Penitentiary, jail, police station.

SEC. 16. The common council of said city shall have power and authority whenever they shall deem it expedient, to provide a city penitentiary, jail or police station, where all persons charged with, or convicted of, offenses or misdemeanors against the charter, by-laws or ordinances of said city, may be confined and imprisoned, until discharged by authority of law; and the said common council may regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances or orders concerning the good government and regulation of said penitentiary and jail, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Under control of common council.

Persons arrested, where confined.

SEC. 17. Any person arrested by virtue of any process issuing from any court of justice in said city, or by authority of any officer of said city, may be confined in said penitentiary, jail or police station, in the same manner as prisoners are or may be detained in the jail of Saginaw county; and any law of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said police station, jail or penitentiary.

Idem.

SEC. 18. All persons charged with or convicted of offenses against the general laws of the State, or for violation of this act, or of the ordinances passed in pursuance thereof, may by the direction or sentence of the court having jurisdiction of the offense, be confined either in the city jail or station house, or in the county jail of Sagi-

naw county. And when, in the first instance taken to or confined in the said city jail or station may be removed to the said county jail by the direction of said court, or of the common council.

TITLE XIII.

TO PROVIDE FOR THE TAKING OF PRIVATE PROPERTY FOR PUBLIC USE, AND FOR THE OPENING, WIDENING, STRAIGHTENING, OR EXTENDING OF STREETS AND ALLEYS.

SECTION 1. The common council of the city of East Saginaw is hereby authorized to open, widen, extend, or straighten streets and alleys in said city for the public use and benefit, and to take private property therefor, and institute and prosecute proceedings for the purpose in accordance with the provisions of this act. Streets, to open, widen, extend.

SEC. 2. Whenever the common council of the city of East Saginaw shall deem it necessary for the use and benefit of the public to make any such improvement, and to take private property therefor, said council shall, by resolution, so declare and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate which, in the opinion of said council, will be benefited by such improvement. Said resolution shall direct the city attorney to institute proceedings in the recorder's court of said city to carry out the objects of such resolution. Public improvements.
Resolution of common council to contain what.
To direct city attorney to institute proceedings.

SEC. 3. Upon the passage by the common council of such resolution, it shall be the duty of the city attorney to prepare and file, in the name of the city, in the recorder's court of said city, a petition, signed in the name of the city, by the city attorney, in his official capacity, which shall allege the passage of, and have annexed thereto, a certified copy of said resolution; shall describe all the lots, tracts, and parcels of private property proposed to be taken or assessed, and set forth the names of the owners of such lots, tracts, and parcels respectively as far as the same can be ascertained from the records in the office of the register of deeds of Saginaw county, and shall allege that it is necessary to take such property for the public use and benefit; and pray that a jury may be empaneled to determine whether it is necessary to make such improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor, and to assess and apportion the whole amount of the compensation awarded upon the taxable real estate within the assessment district benefited by such improvement. The petition may pray for any other or further relief deemed necessary within the objects of this act. Duty of city attorney.
Petition.

SEC. 4. All the expenses of the proceedings in opening, extending, widening, or straightening streets and alleys shall be paid by the city and raised by a general tax to be levied and collected according to the provisions of the charter of the city. Expenses, how paid.

SEC. 5. Upon filing said petition it shall be the duty of the clerk of said court, upon request in writing of the city attorney, to issue a summons against the respondents named in the petition com- Summons to issue.

manding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

By whom and
how served.

SEC. 6. Said summons shall be served by the marshal, captain of police, or sergeant of the city, at least five days before the return day thereof, upon all the respondents found within the county of Saginaw, by exhibiting the original and delivering a copy to each of them; and service of said summons upon all other respondents shall be made by publishing for five successive days a copy of such summons in at least one daily paper published in said city, to be designated by the judge of said recorder's court; the return of the marshal to said summons and affidavits showing due publication of said summons shall be filed in said court before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service, and thereafter all respondents shall take notice of and be bound by all subsequent proceedings without further notice.

Return.

Idem.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be selected and empaneled as hereinafter provided.

Jury composed
of whom.

Jurors, when
and by whom
selected.

SEC. 8. On the first Tuesday of June in each year, between the hours of nine and twelve o'clock in the forenoon, the assessor of the city of East Saginaw, the clerk of said court, and the marshal of said city, shall meet together in the office of said assessor in said city, and shall then proceed in public to select from the last annual assessment roll of said city (which roll the custodian shall produce before them) a list of one hundred persons to serve as jurors in said court—the persons so selected to be qualified electors, of fair character, of sound mind, freeholders in said city of East Saginaw, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said assessor, clerk, and marshal if they all be present, and assist in the making thereof:

Proviso.

Further proviso.

Where list filed.

Provided, That any two of them shall be authorized to select such list and sign the same in the absence of the third: *Provided further*, That if said list is not selected within the time above limited, or if for any reason a legal list shall not have been made, the judge of said court may, by his order, entered of record in said court, command the said assessor, clerk, and marshal to proceed forthwith to select said list and sign and file the same. When the list is selected and signed as aforesaid it shall be filed by the officers signing the same in the office of the clerk of said court, and the said assessor or the said clerk shall file with said list an affidavit that it has been drawn in accordance with the foregoing provisions. The persons whose names are set forth in said list shall be liable to serve as jurors in said court for one year or until a new list is selected. The practice and proceedings, except as provided in this

section, relative to drawing, summoning, exempting, and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in [the] circuit courts of this State relative to petit jurors: *Provided further*, That the judge of said court shall have power to order the drawing of more than twenty-four jurors when he shall deem it necessary, not to exceed fifty jurors at any term. All talesmen who may be directed by the said judge to be summoned for the term shall be drawn from the jury box in the same manner as the original panel. Every person who shall directly or indirectly ask to be placed upon said list shall thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period.

Further proviso.

Talesmen.

Asking to be placed on jury list.

SEC. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as near as may be; shall fold up each of said strips of paper in the same manner so as to conceal the name thereon, and deposit the same in a box to be called and labeled "East Saginaw city street opening jury box."

Jury box.

SEC. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn and the time they shall be summoned to attend. It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the judge of said court and to the marshal, of the day and hour when such drawing shall take place. At the time so appointed it shall be the duty of said judge and of the marshal or some policeman of said city to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, marshal, or policeman be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said judge and marshal. If at the time first appointed for such drawing or at the adjourned time therefor either said judge, marshal or policeman shall be present, the clerk shall proceed to draw from said box publicly and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon, as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name of every strip of paper drawn before any other such strip be drawn. The said minute of the drawing shall then be signed by the clerk of said court, and the attending officers, and filed by the clerk in his office, and he shall immediately make out a *venire facias*, and deliver the same to the marshal of said city, which shall command him or any policeman of said city to summon the persons named therein to be and appear in said court at the terms thereof for which they were drawn to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may impose.

Order for drawing jury.

Notice of drawing.

Who to attend.

Minutes of drawing.

Venire facias.

- Said *venire facias* shall be served at least three days before the term of the court therein specified by giving personal notice to each person therein named or by leaving a written notice at his place of residence with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified. All talesmen who may be directed by the said judge to be summoned for the term shall be drawn from the jury box in the same manner as the original panel. In empaneling a jury the practice and proceedings relative to empaneling, exempting, and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the circuit courts of this State relative to petit jurors. Whenever there shall not be qualified jurors enough present to form a panel in any case the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said circuit courts. If any juror after being sworn shall die, or for any other cause become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury.
- Talesmen to be drawn from jury box.**
Practice in empaneling jury.
Death of juror.
Form of oath.
- SEC. 11. Every jury empaneled in any cause shall be sworn as follows: You do solemnly swear (or affirm) that in the matter of ----- that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public, the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain, determine, and award the just compensation to be made therefor, and assess upon the property in the assessment district described in the petition, in the case of the opening, widening, straightening, or extending of alleys, the whole, and in the case of opening, widening, straightening, or extending of streets, one-half of all the damages so awarded, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God. They shall hear the proof and allegations of the parties, and the arguments of counsel, and, if so ordered by the court, shall go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable, to any property proposed to be taken or assessed, and examine the premises. They shall be instructed as to their duties and the law of the case, by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case: *Provided*, That the court in its discretion may permit the jury to leave the jury room a sufficient length of time to obtain their meals and sleep at their respective homes.
- Jury may examine the premises.**
Instructions of the court.
Proviso.
Verdict of jury.
- SEC. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem

just, and in determining the amount of said damages, or compensation where only a part of a lot or lots of land is taken, the jury shall take into consideration the amount of benefits, if any, which the portion not taken will receive from the intended improvement, but it shall not be necessary for them to state in their report the damages or compensation separately but only the net amount of damages or compensation awarded, and shall assess and apportion in the case of opening, widening, straightening or extending alleys the whole amount of compensation; and in the case of opening, widening, straightening or extending any street one-half the amount of compensation to be paid for the private property taken upon all the lots, parcels and subdivisions of real estate within the assessment district fixed by the common council, in proportion, as nearly as may be, to the benefit each will receive from such improvement: *Provided however*, That if the jury believe that the benefit received by any lot will as compared to the benefit to others, be merely nominal, they may make a nominal assessment upon said lot. If any such private property taken shall be subject to a valid mortgage, lease, or agreement, and the taking thereof for such purpose will impair such security, lease, or agreement, the jury shall apportion and award to the owner of said mortgage, lessee, or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings or other personal property situated on the land taken, the jury may, at the request of the owner, allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person, shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same.

Benefits.

Alleys.

Streets.

Nominal assessment.

In case of mortgage, etc., to apportion compensation.

Damages for removal of buildings.

Estate of deceased person.

SEC. 13. To assist the jury in arriving at the verdict, the court may allow the jury, when they retire, to take with them the petition filed in the case, and maps, showing the proposed improvement, and the assessment district, and the location of each and all the parcels of property to be taken or assessed, with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows:

Blank verdict and other papers may go to jury.

PART I.

We, the undersigned jury, impaneled in the above matter, and having given the same due consideration, do hereby find and determine that it is necessary to said as proposed for the public use and benefit as a public and that for said use and benefit and purpose it is necessary to take the private property described in the petition in this cause, which said property is hereinafter also described.

PART II.

And the damages sustained and the just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and damages.

PART III.

And the benefits to be received from such improvement by the property within the assessment district we hereby determine to be as follows:

Description of each of the several parcels of property to be assessed.	Owners of each parcel.	Benefits.

The different descriptions of property and the names of the owners and others interested therein may be inserted in said blank verdict (under the direction of the court), before it is submitted to the jury.

Verdict may be set aside.

SEC. 14. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same

manner and on the same grounds as in ordinary civil actions in the circuit courts of this State; and amendments, either in form or substance, of the petition, process, and proceedings, may be allowed when they will not interfere with the substantial rights of the parties. And if by such amendment new parties to the proceedings are added, a new summons may be issued to bring in such additional parties, and when any such further summons is issued, the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury the verdict, for the purpose of correcting all errors therein contained. Rules of practice of the recorder's court shall be followed as near as may be in all proceedings under this act.

Amendments.

Summons.

Correcting verdict.

Rules of practice.

SEC. 15. Motions for a new trial, or to arrest the proceedings, shall be made within two days after the rendition of the verdict, unless further time is allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein. The compensation assessed by the jury upon any lot or parcel of land shall be a lien thereon from the time of such confirmation until paid and satisfied.

New trial.

Confirmation of verdict.

Lien.

SEC. 16. Any person whose property may be taken or assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and serving within the same time a copy thereof on the city attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of the sum assessed against the appellant, and all costs that may be awarded against him in case the judgment and confirmation of the court shall be affirmed.

Appeal.

SEC. 17. In case of appeals as above, it shall be the duty of the clerk of the court, without delay, to transmit to the supreme court a certified copy of all the files, records, and proceedings in the case. And it shall be the duty of the judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objections, rulings, and exceptions concerning the same; and the instructions of the court to the jury, with the exceptions thereto; and the same shall be returned by the clerk as a part of the record in the case.

Idem.

SEC. 18. The said appeal may be brought on for hearing at any term of the supreme court, and said court may affirm or reverse the proceedings, and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city may be applied on or deducted from the compensation (if any) to be paid to the appellant.

Idem.

Costs.

SEC. 19. When the verdict of the jury shall have been finally

Certified copy of verdict, etc.	confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the order (if any) allowing and taxing the costs and expenses; and thereupon the common council shall, by resolution, direct the treasurer of said city to collect the benefits and the costs and expenses assessed by the court and jury, and a certified copy of such resolution shall be annexed to the record transmitted by the clerk of the court, and the same shall then be delivered to said treasurer. If such assessments are not paid or tendered to the treasurer within thirty days after the passage of such resolution, he shall proceed to sell the property assessed in the same manner as is provided by law for the sale of real estate upon execution, and with the same force and effect.
Sale of property.	
Compensation to be tendered in one year.	SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall cause the city treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury, as finally confirmed; and in case any person shall refuse the same, be unknown or a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall on demand pay the same over to any person entitled and competent to receive it, taking receipt therefor.
May be deposited.	Upon such payment, tender, or deposit, the common council may enter upon, take possession of, and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences, and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender, or deposit, and shall file the same with the clerk of the recorder's court, and it shall be <i>prima facie</i> evidence of the facts therein stated.
When may enter upon land.	
Treasurer's certificate.	
Buildings, etc., to be sold at auction.	SEC. 21. All buildings, fences, and other personal property, taken by such proceedings in street opening cases, except that removed by the owner, as otherwise provided, shall be sold at auction by the city treasurer. Due publication of such sales shall be made in at least two daily newspapers in said city for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. In the case of widening, straightening, opening, and extending alleys the entire proceeds of such sales, and in the case of opening, widening, extending, or straightening of streets, one-half of the amount of such proceeds shall be refunded by the city treasurer to the parties assessed therefor, in proportion to the amounts of their several assessments, the balance of such proceeds to belong to and be retained by said city.
Publication.	
Disposition of proceeds in opening, etc., alleys or streets.	

SEC. 22. Jurors and witnesses, in any proceedings under this act, shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of the State. Jurors' and witnesses' fees.

SEC. 23. The common council shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent. Discontinuance of proceedings, new trial, etc.

SEC. 24. Before the trial in any proceeding under this act the common council shall cause the property to be taken to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, and of the assessment district, certified to be correct by the city surveyor, or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council, in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to the owners or occupants of, or others interested in, the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits made against the property of said owners and others interested respectively. At any sale under this act of the property assessed, the city attorney, or in his absence the city treasurer, shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid, the corporation shall be entitled to all the rights of any other purchaser. Property to be surveyed and staked out. Map of plat. Special assessment. Advancement by the common council. City attorney or treasurer may bid in.

SEC. 25. All proceedings begun and undetermined in said city under any act authorizing such proceedings shall not be affected by this act, but may be completed in all respects in accordance with the provisions of this act. Proceedings not affected.

* TITLE XIV.

MISCELLANEOUS PROVISIONS.

SECTION 1. The common council, mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties upon any official bond, may require such sureties to make and attach to such bond an affidavit stating the amount and value of the property, over and above debts and exemptions, owned within this State by such surety. Affidavit to be attached to bond.

SEC. 2. The mayor or chairman of any committee or special committee of the common council, shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee. May administer oaths.

* This title in enrolled copy precedes Title XII.

Perjury.

SEC. 3. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Acts repealed.

SEC. 4. All former acts, relating to the city of East Saginaw, inconsistent herewith, are hereby repealed, but such repeal shall not affect any act, claim or right secured, created or established, or title to any property acquired, or any suit, proceeding or prosecution, tax, assessment, contract or public improvement had or commenced prior to the time this act takes effect, but every such act, claim, right or proceeding shall remain as valid and effectual as if this act had not taken effect. This revision shall not, except when inconsistent therewith, repeal or affect the several acts providing for the incorporation of the board of water commissioners, board of education and board of public works of said city of East Saginaw, nor shall it abolish or vacate any office or remove any municipal officer except when the continuance of said office would be inconsistent with the provisions hereof. All proceedings to raise, assess, levy or collect taxes, either general or special, and pending and generally all municipal business of every description, shall be carried forward and completed under the provisions hereof. All property, real, personal and mixed, all causes of action, debts, fines, penalties, forfeitures, and generally all rights and powers not inconsistent herewith which belong or have accrued to the said city of East Saginaw under the charter of which this is a revision, shall be and the same are hereby declared to be fully retained and vested in the city of East Saginaw, to be held subject to the provisions hereof, and may be prosecuted for, recovered, and maintained by said city.

Acts consistent herewith not repealed.**Business now pending to go forward under this act.****All rights and powers not inconsistent herewith retained.****Ordinances, etc. to remain in force.**

SEC. 6. All ordinances, by-laws, regulations, resolutions and rules of the common council of the city of East Saginaw, now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council, under this act, and after the same shall take effect.

Proof of publication.

SEC. 7. Proof of the requisite publication of any ordinance, resolution or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the clerk of said city, or any other competent proof, shall in all courts and places be presumptive evidence of the legal publication of such ordinance, resolution or other proceeding.

Style of ordinances.

SEC. 8. The style of all ordinances of said city shall be as follows: "Be it ordained by the common council of the city of East Saginaw, as follows:"

Special franchise 30 years.

SEC. 9. The common council shall not grant any special franchise for a longer term than thirty years, nor grant exclusive privileges to the use of the streets or public grounds of said city. And the common council shall have power to prescribe rates of specific taxation for all franchises or privileges granted by said council, and the manner of collection of such specific taxes.

Specific taxation.

SEC. 10. The common council shall have power, whenever it shall

appear that any taxes or assessments have been improperly or illegally made, assessed or collected, by a two-third vote of all the members elected, to cause such assessment or tax to be remitted or refunded; but no such action on the part of the council shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in said city.

Common council, power in regard to illegal taxes.

SEC. 11. The fiscal year of said city shall commence on the first day of March in each year, and all annual reports required by this act to be made, shall include all transactions of said city up to and including the last day of February preceding.

Fiscal year.
Annual reports.

SEC. 12. The common council of said city shall, as often as they shall deem expedient, cause all the acts and parts of acts of incorporation of said city that may be in force, including such general laws as they may deem necessary for the use of the mayor, aldermen or other officers thereof, together with all ordinances of said city, revised and corrected so as to conform to the provisions of said acts, and properly arranged and indexed, to be published in book form, and properly certified to by the clerk thereof, and when so compiled and published, the same shall be considered the official copy of all said acts and ordinances. Each officer of said city shall be entitled to [the] use [of] a copy by virtue of his office, and the council may authorize the sale of copies thereof to reimburse the city for the expense of compiling and publishing of the same.

Acts pertaining to city and ordinances to cause to be published.

Official copy.

Who entitled to.

SEC. 13. The common council, as now constituted, is hereby authorized, and it shall be its duty to designate places of election in the wards hereby constituted, and appoint inspectors of election whenever there shall be vacancies in the board, and take all other necessary steps for carrying into effect the provisions of this act.

Place of election.

Inspectors of.

SEC. 14. Each ward shall be an election district by itself, but it shall be lawful for the common council, in its discretion, at any time before the first day of March next preceding any general or charter election, to divide the several wards of the city, or either of them, into convenient election districts for the holding of general and special elections; and in case any ward or wards shall be so divided, the provisions of the general laws of the State, and of this act relating to the elections, shall be applicable to such election districts. The common council shall, at least twenty days prior to any general or special election, appoint two inspectors of election for each ward so divided into election districts, and one of the inspectors so appointed, with one of the aldermen of the ward so divided, shall act as a board of registration in each of said election districts, and with one inspector to be elected by a *viva voce* vote of the electors of the district on the opening of the polls at any election, shall form a board of inspectors for said election. Vacancies in any board of inspectors may be filled by the electors present, as in other cases of such vacancies. Any election district so made shall remain an election district by itself until changed by the common council. Every elector shall vote in the ward and district in which he resides as provided by law.

Election districts.

Board of registration.

Board of inspectors.

Where to vote.

SEC. 15. The city board of registration shall cause a session of the board of registration of each ward or election district of

Board of registration.

Re-registration.

Session of.

Duty of.

Provided.

said city, to be held on the first Monday in March, in the year eighteen hundred and eighty-six, and on the first Monday in March, in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each ward, or election district in said city; and for such purpose the aldermen of each ward, or substitutes to be appointed, as provided by the preceding section, shall constitute the board of registration for such ward, but said city board may appoint other persons than ward officers as such substitutes; and in case said wards, or any of them, shall be divided in the formation of election districts, said city board may appoint the necessary number of five persons to act as a board of registration for any district which may otherwise be without such board. Said board shall cause a like notice of such meeting and registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period, as is required by section two of the act further to preserve the purity of elections, and guard against the abuses of the elective franchise by a registration of electors, approved February fourteenth, eighteen hundred and fifty-nine, and the acts amendatory thereof. The said several ward or district boards shall be in session on the first Monday in March as aforesaid, and for not less than three nor more than six days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from four o'clock to eight o'clock in the afternoon, and shall be provided with the proper blank-books for registering the names of voters, of the form heretofore used, and shall have the same powers and perform the same duties, as are conferred upon or required of boards of registration under the act aforesaid; and the same rules and requirements shall be observed in such registration, in all respects, as were required in the original registration under said act. When such registration shall be completed the former registry of electors in such ward or district shall henceforth be deemed invalid, and shall not be used at the ensuing elections; and no person shall vote at any public election in said wards or districts, after such re-registration whose name shall not be registered anew, under the provisions of this section, or be afterwards properly entered on such new register, according to the provisions of the act aforesaid, or of this act.

SEC. 16. At the session of the board of registration in the several wards or election districts, except a year in which a new registration has been made, they shall review and complete the list of qualified voters, as provided by law; and in order to prevent, so far as possible, the blotting, mutilation, or disfigurement of said registration of electors, it is enacted that no name shall be entered in such registers except in the handwriting of one of the board of registration, and then only by direction of the proper board during its session; and no member of said board shall write, or make any entry in said register, excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein, excepting inspectors of election, as provided by this act: *Provided*, That any elector desiring to enter his name in his own handwrit-

ing, may do so, if the board shall have decided that such elector is entitled to be registered; but when any person shall have ceased to be an elector of any ward or election district, the board of registration for such ward or district, at its session, may note the fact in red ink across the name of such elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said register excepting upon the personal application of an elector desiring his name to be registered, and upon due examination made, as required by law, unless the person whose name is registered is personally known to the board of registration, or at least one member of said board, to be a qualified elector of the ward or district in the register of which such name is registered. The board of registration in each ward and district shall require each applicant for registration to state whether he has previously been registered in, or resided in, any other ward or district. Each board shall make a separate list of the new registrations made at their then session, particularly specifying in such list those who have previously resided, or been registered, in any other ward or district, noting the previous place of residence of such person, and shall deliver such separate list to the city board of registration, at its session hereafter provided to be held.

Personal appli-
cation.

To state what.

New registra-
tions.

SEC. 17. The board of registration, which shall be composed of the members of the board of registration assigned to the several wards and election districts of the city, shall in the year in which a re-registration shall be held, assemble at the common council chamber on the Monday preceding any election to be held in said city, excepting special elections held for election of ward officers, at nine o'clock in the forenoon. On the organization of said city board by the appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city; said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district, excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards or districts of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote; said board may register any person applying to be registered in the register of the district or ward in which said applicant resides: *Provided*, Said board shall require such applicant to state positively, on oath or affirmation, which oath or affirmation any member of said board may administer, to answer to such question as shall be asked him, touching his right to be registered by said board, that he has resided in such ward or district at least ten days preceding the session of said city board, designating particularly the place of his residence, and that he possesses the other qualifications of an elector under the constitution, stating such qualifications; and that

To meet when.

Organisation.

Registered in
two or more
wards.Oath or affirma-
tion.

owing to the sickness or bodily infirmity of himself, or some near relative residing in the same household (giving name of such relative), or owing to his absence from the city on public or official business, or on his own business, and without intent to avoid or delay his registration during the then last session of the board of registration in the ward or district in which he resides, he has been prevented from causing his name to be previously registered, or that he was not registered in the ward or district of his then residence, during the then last session of the board therein, because of his not having resided in such ward or district ten days prior to the conclusion of the said session of said board, and that he moved into the said ward or district (stating the time he so moved) and has continued since to reside therein with intent to become a resident thereof; and if, furthermore, some qualified elector of said city, and not a candidate for office at the then approaching election, shall take an oath before said board, which oath any member of said board may administer, that he has in fact resided in said ward or district at least ten days prior to the then session of said city board, and that he has good reason to believe, and does believe, that all the statements of such applicant are true. Said board may question such applicant, a qualified elector, as they may think proper, in order that they may be satisfied of the truth of such statements. If they shall deem such applicant a qualified elector of such ward or district, and entitled to be registered, they shall direct the chairman of the board to register the name of the applicant, with the date of registration, and his place of residence, in the register of the ward or district in which he is entitled to vote. Said board may employ an interpreter, in case either said applicant or qualified elector shall be unable to speak the English language, who shall be sworn by one of said board to truly interpret the oath to said applicant and elector, and to interpret to them said questions and the answers made thereto, to said board. If such applicant, or such qualified elector, shall in such manner willfully make any false statement, or if said interpreter shall willfully and falsely misstate such oath, questions or answers, he shall be deemed guilty of perjury, and on conviction, be subject to the pains and penalties thereof. No names shall be added to any of said registers by said city board of registration, or entries made therein by said board, unless at least one member of the board assigned to the ward or district in the register of which said name is added or entry made shall be present.

Interpreter.

Applicant to register, to state what.

SEC. 18. When any person shall apply to the inspectors of any election, excepting special elections for ward officers, who has not been registered by said inspectors, alleging that he was absent during the last session of the board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, in addition to the statement required by section fourteen of the act "further to preserve the purity of election and guard against the abuses of the elective franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, that he was absent from the city during said session, and during

the session of the city board of registration on the Monday preceding such election.

SEC. 19. Whenever the common council shall order a special election to be held in any of the wards of said city for election of ward officer, said council, by resolution, shall direct the city clerk to notify the board of registration that last held its session in said ward to review and complete the list of qualified electors of said ward, on a day and at a place to be named in said resolution. Notice of the time and place of the session of said board shall be published in at least one of the daily newspapers published in said city, for at least four successive days prior to such session. It shall not be necessary to insert in such notice the names of registered electors, or post hand-bills containing the same, as in case of general or charter elections. The provisions of the aforesaid act, and of this act or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof, and all other persons in reviewing and completing the register of electors at such session; and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session, as if the same were here enacted. In case there shall be any vacancy in the then board for such ward or district, the same shall be filled as provided by law.

Special election.

Board of registration.

Notice to be published.

Acts of, how governed and regulated.

Vacancy.

SEC. 20. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished and no penalty or forfeiture shall exceed one hundred dollars; no fine shall exceed one hundred dollars; and no imprisonment shall exceed the period of ninety days.

Punishment, penalty, failure, etc.

SEC. 21. The newspaper published in said city of East Saginaw, which shall be designated by the common council to publish the official proceedings of said common council shall be the official paper of said city during the time in which it shall continue by order of said council to publish such proceedings: *Provided*, That in case the said proceedings shall be ordered published in more than one such newspaper, the said council shall then designate one of them as such official paper.

Official paper.

Proviso.

SEC. 22. The board of public works herein referred to is the board of public works created by an act entitled, "An act to create a board of public works for the city of East Saginaw and to define its powers and duties, and to repeal all of the provisions of the charter of said city in conflict therewith," approved March twenty-five, eighteen hundred and eighty-five.

Board of public works.

Ordered to take immediate effect.

Approved May 19, 1885.

[No. 356.]

AN ACT to change the names of certain streets in Bay City.

SECTION 1. *The People of the State of Michigan enact*, That the following named streets in Bay City, to wit: Fourth street, Center

The name of certain streets changed.

street, Fifth street, Madison street, Washington street, and Lincoln street, as platted in the several plats of the same on record, shall from and after the passage of this act be known and designated as avenues, and that the names of the same are hereby accordingly changed; and that Carney road, between Woodside avenue in Bay City to the Bay City and Tuscola plank road, in the township of Hampton, including the portion of said road as laid out and platted in the city limits, together with the portion thereof between the city limits and said Bay City and Tuscola plank road, shall be known and designated as Park avenue; and that Ringgold street, as platted in the Carroll Park plat, including that portion thereof in the township of Hampton, shall hereafter be known and designated as Ringgold avenue, and that the said names are hereby accordingly changed from Carney road and Ringgold street to Park avenue and Ringgold avenue respectively.

This act is ordered to take immediate effect.

Approved May 19, 1885.

[No. 357.]

AN ACT to authorize and empower the board of supervisors of Jackson county and the Jackson County Agricultural Society to sell the grounds in the city of Jackson known as the fair grounds, and to purchase other grounds to be used as public grounds and grounds for holding agricultural and other fairs.

Authorized to
sell.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Jackson county and the directors or managers of the Jackson County Agricultural Society be and they are hereby authorized to sell the grounds lying north of Ganson street, east of Blackstone street, south of North street and west of Grand river, or of the lands of the Grand Trunk Railroad, and between North street and Ganson street, in the city and county of Jackson, said grounds being now jointly owned and controlled by the said board of supervisors and said Jackson County Agricultural Society: *Provided*, That the proceeds or avails of such sale shall be invested in other grounds and in the improvement of the same, to be held in the same manner and for the same purposes as the lands hereby authorized to be sold.

Proviso.

This act is ordered to take immediate effect.

Approved May 21, 1885.

[No. 358.]

AN ACT to amend sections three, four, and five of chapter one, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," being act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, approved June

seventh, eighteen hundred and eighty-three, and to add three new sections to said chapter, to be known as sections six, seven, and eight.

SECTION 1. *The People of the State of Michigan enact*, That sections three, four, and five of chapter one of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," being act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, approved June seventh, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 3. The territorial limits of the said city of Detroit shall include all that tract of country in the county of Wayne, bounded and described as follows: Beginning at the intersection of the national boundary line in the Detroit river with a line two hundred feet easterly of, and parallel with, the east line of Baldwin avenue extended; thence northerly along the said last mentioned line to a point two hundred feet northerly of and at right angles to the northerly line of Mack road, so called; thence westerly on a line parallel with and two hundred feet northerly of the northerly line of Mack road, so called, to a point two hundred feet easterly of and at right angles to the easterly line of the boulevard, so called; thence northerly on a line two hundred feet easterly of and parallel to the easterly line of the boulevard to a point two hundred feet northerly of the northerly line of the boulevard extended on private claim sixteen; thence westerly on a line parallel with and two hundred feet northerly of the northerly line of the boulevard to a point two hundred feet easterly of the easterly line of Mt. Elliott avenue; thence northerly on a line parallel with and two hundred feet easterly of the easterly line of Mt. Elliott avenue and said avenue extended to a point in fractional section twenty-eight, town one south, range twelve east, said point being two hundred feet northerly of the northerly line of the boulevard extended easterly; thence westerly on a line parallel with and two hundred feet northerly of the northerly line of the boulevard to the easterly line of St. Aubin avenue; thence northerly along said easterly line of St. Aubin avenue to the northerly line of the Pallister road or Pallister avenue, so called; thence westerly along said northerly line of said Pallister avenue or road to the center of Woodward avenue extended; thence southerly along said center line of Woodward avenue to a point two hundred and twenty-four and three-fourths feet northerly of the northerly line of the boulevard; thence westerly on a line parallel with and two hundred and twenty-four and three-fourths feet northerly of the northerly line of the boulevard to a point in section fifty-two of the ten thousand acre tract, said point being two hundred feet west of the west line of the boulevard in section two, town two south, range eleven east, extended north; thence south on a line two hundred feet west of and parallel with the west line of said boulevard to the northerly line of the private claims; thence westerly on the rear of the northerly line of the private claims to the westerly line of private claim thirty; thence westerly in a direct Territory included.

course to the easterly line of private claim two hundred and sixty-six or Livernois avenue; thence southerly along the easterly line of private claim two hundred and sixty-six or Livernois avenue to the southerly line of Toledo avenue; thence easterly along the southerly line of Toledo avenue to the westerly line of private claim thirty-nine; thence southerly along the westerly line of said private claim thirty-nine to the national boundary line in the Detroit river; and thence along the national boundary line in the Detroit river, up stream, to the place of beginning; and also all that parcel of land situated in the Detroit river and known as Belle Isle.

Wards of the city.

SEC. 4. That said city is hereby divided into the following wards:

One, The First ward shall consist of all that part of the city lying between the center lines of Woodward avenue and Beaubien street, and the said lines extended northerly and southerly to the city limits;

Two, The Second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, and along the center line of Second street, and the said lines extended northerly and southerly to the city limits;

Three, The Third ward shall consist of all that part of said city lying between the center lines of Beaubien street and Hastings street, and the said lines extended northerly and southerly to the city limits;

Four, The Fourth ward shall consist of all that part of said city lying between the west boundary line of the Second ward, above described, and the center line of Crawford street, from the northerly city limits to the center of Grand River avenue, down the center line of Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits;

Five, The Fifth ward shall consist of all that part of said city lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly to the city limits;

Six, The Sixth ward shall consist of all that part of said city lying between the west boundary line of the Fourth ward, above described, and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits;

Seven, The Seventh ward shall consist of all that part of said city lying between the center lines of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits;

Eight, The Eighth ward shall consist of all that part of said city lying between the east line of Godfroy farm and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits;

Nine, The Ninth ward shall consist of all that part of said city lying between the center lines of Dequindre street and Chene street,

and the said lines extended northerly and southerly to the city *Idem.* limits;

Ten, The Tenth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the east line of the Godfroy farm, and the said lines extended northerly and southerly to the city limits;

Eleven, The Eleventh ward shall consist of all that part of said city lying between the center lines of Chene street and Macdougall avenue, and the said lines extended northerly and southerly to the city limits;

Twelve, The Twelfth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the westerly line of the Porter farm, and the said lines extended northerly and southerly to the city limits;

Thirteen, The Thirteenth ward shall consist of all that part of said city lying between the center line of Macdougall avenue and the center line of Mt. Elliott avenue, and the said lines extended northerly and southerly to the city limits;

Fourteen, The Fourteenth ward shall consist of all that part of said city lying between the westerly line of the Porter farm and the westerly line of private claim forty-seven, and the said line extended northerly and southerly to the city limits;

Fifteen, The Fifteenth ward shall consist of all that part of said city lying east of the center line of Mt. Elliott avenue, and the said line extended northerly and southerly to the city limits, and the parcel of land situated in the Detroit river, and known as Belle Isle;

Sixteen, The Sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven, and the said line extended northerly and southerly to the city limits.

SEC. 5. Hereafter the division of said city into wards as herein provided shall govern; but the common council of said city shall have power, by ordinance, to divide said wards into election districts of convenient size. The boundaries of each of said districts shall be particularly described in said ordinance. No district shall embrace parts of two or more wards and each ward shall be divided into at least three districts. Election districts.

SEC. 2. There shall be three additional sections to said chapter to stand as sections six, seven, and eight, and to read as follows:

SEC. 6. Each of said wards Fourteen and Fifteen shall be entitled to two aldermen, and the first election for such aldermen shall be held at the next annual city charter election. One of said aldermen for each ward shall be elected for one year and the other for two years, the time of service for which said aldermen are elected to be designated on the ballots cast for them, and thereafter aldermen shall be elected for said wards in all respects as now provided for the existing wards of said city. Other ward officers, such as are now provided for existing wards, shall be elected at said election for said new wards, whose terms of office, duties, and powers shall be the same as those of like officers in the existing wards. Aldermen.

Other ward officers.

Registration of voters.

SEC. 7. The common council shall provide all necessary means for the registration of voters and the holding of an election in said new wards at the next annual city charter election in the manner provided by law in said city.

Not to interfere with the assessment, etc., of taxes.

SEC. 8. This act shall not interfere with or affect the assessment, levy, or collection of any taxes assessed or levied during the present year, on any of the lands hereby detached from the townships of Hamtramck, Greenfield, or Springwells; but such taxes shall be assessed and collected in the respective townships to which such lands heretofore belonged, in all respects as if this act had not been passed; and said lands shall not be subject to taxation in the city of Detroit until the year of our Lord eighteen hundred and eighty-six: *Provided, however,* That all said lands shall, after this act takes effect, be subject to local assessments for the grading and paving of streets, or for the building of sidewalks, drains, or sewers, in the same manner as the other territory of said city.

Not subject to taxation in Detroit until 1886.

Proviso.

This act is ordered to take immediate effect.

Approved May 26, 1885.

[No. 359.]

AN ACT to amend sections three, six, and thirty-three of chapter five, sections one, two, three, four, five, and six, and repeal sections seven and eight of chapter ten, amend sections one, three, seven, and nineteen of chapter twenty-two, sections one, four, and fourteen of chapter twenty-three, and section two of chapter twenty-five of act number three hundred and fifty-eight of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and amend the charter of the city of Jackson," approved April twenty-fourth, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof.

Sections repealed, amended.

SECTION 1. *The People of the State of Michigan enact,* That sections seven and eight of chapter ten, of act number three hundred and fifty-eight of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and amend the charter of the city of Jackson," approved April twenty-fourth, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof, be repealed, and that sections three, six, and thirty-three of chapter five, sections one, two, three, four, five, and six of chapter ten, sections one, three, seven, and nineteen of chapter twenty-two, sections one, four, and fourteen of chapter twenty-three, and section two of chapter twenty-five of said act be amended so as to read as follows:

CHAPTER V.

Mayor, powers and duties.

SECTION 3. The mayor may remove any officer appointed by him at any time, and shall report such removal to the common council at its next meeting. He may also suspend the chief of police or any

policeman for neglect of duty or other cause, and shall report such suspension to the board of police commissioners at its next meeting, with his reasons therefor, and said board may, with the approval of the mayor, remove such chief of police or policeman, or restore him to the performance of his duties. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employé or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. He shall nominate all officers to be appointed by the common council under the provisions of this act.

SEC. 6. The recorder shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent that the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations; he shall be clerk of the board of cemetery trustees. Recorder.

SEC. 33. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office, except by a three-fourths vote of all the aldermen elect; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected and appointed when, during the same time, the salary or rate of compensation has been increased: *Provided*, That the mayor shall, from and after the first Monday of May, in the year one thousand eight hundred and eighty-five, receive an annual salary of one thousand dollars, payable monthly; and that each alderman shall receive the compensation of seventy-five dollars per annum for his services as alderman and as a member of the board of registration and as an inspector of election, to be paid quarterly by the city treasurer upon a pay-roll certified by the recorder and approved by the mayor; but there shall be deducted from said sum two dollars for each meeting of the common council at which the alderman was wholly absent, two dollars for each day of any meeting of a ward board of registration during which he was absent, and two dollars for each day of a general or special election at which he failed to act as an inspector. And it shall be the duty of the recorder in his certificate upon the pay-roll to certify from the records and files of his office the deductions which should be made in the case of each alderman mentioned on the pay-roll, and of the mayor to refuse his approval until said certificate is duly made. Salary.
Recorder's certificate.

CHAPTER X.

POLICE DEPARTMENT.

Board of police
commissioners.

SECTION 1. All the powers and duties connected with and incident to the government and discipline of the police department of said city, except as otherwise provided, shall be vested in and exercised by a board of three police commissioners to be appointed by the common council on nomination of the mayor, one to hold office for one year from the first Monday of May, in the year eighteen hundred and eighty-five, one to hold office for two years and the other for three years from that date, and after the expiration of such terms the successor of each shall be appointed for the term of three years, and each of whom shall hold office till his successor is appointed and has signified his acceptance by filing an oath of office. The said commissioners shall serve without compensation.

Secretary.
Chief of po-
lice, etc.

SEC. 2. The said board when organized shall have power to appoint a secretary of the board and with approval of the mayor may appoint a chief of police and such number of policemen, night watchmen and special policemen as they may judge required for the good government of the city. Said board shall also have power to prescribe, by rules and regulations, their duties and ranks in the service, to suspend or remove with or without the preferring of charges, any person so appointed, and to appoint another in his place and to give any special direction as to the employment and management of said force as they shall judge proper and necessary, and they may also with the concurrence of the common council, prescribe the compensation of the officers so appointed: *Provided, however,* That the said commissioners shall not, except in the case of riot or other emergency demanding extraordinary efforts to preserve the public peace, exceed the limit as to the number of policemen, night watchmen or special policemen which may at any time be fixed by the common council by ordinance or otherwise, or make necessary any larger expenditure than the amount appropriated by the common council for the purpose.

Duty of board.

SEC. 3. The said board of police commissioners shall as often as once in each month audit and certify to the common council for allowance all proper charges against that department, and on the first days of August, November, February, and May in each year, they shall make a report in writing to the common council of the expenses incurred in the department during the preceding quarter year and showing the condition and needs of the department, and they shall make such other special reports as the common council may from time to time require. Accurate records shall be kept of all the proceedings of the board and the certificate of the secretary shall in all courts and places be evidence of the matter so recorded.

To suppress
riots, etc.

SEC. 4. It shall be the duty of the police and night watchmen, and officers of the force, under the direction of the said board of police commissioners, or of the mayor or chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace, and to pursue and arrest any person fleeing from justice, in any part of the State; to appre-

hence any and all persons in the act of committing any offense against the laws of the State or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and may arrest upon view and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city.

May serve process.

SEC. 5. The common council shall by resolution designate two policemen, recommended for such designation by the board of police commissioners, to perform the duties of constables, and may revoke such designation at pleasure, and every policeman so designated shall have power to serve all process directed or delivered to him for service which by law a constable might serve, and every such policeman shall have all the powers of constable, and shall receive the same fees as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman designated to perform the duties of constable shall, before entering upon the duties of his office, execute and file with the recorder such bond as is by law required of constables and with like effect, which shall be approved by the mayor and common council.

Two policemen to be designated as constables.

Bond.

SEC. 6. The chief of police, policemen, night watchmen, and officers of police, except policemen designated to perform the duties of constables, shall receive such compensation as shall be fixed by said board of police commissioners and approved by the common council, and shall not, directly or indirectly, demand or receive from any person or corporation any extra or other compensation, except by the consent of the board of police commissioners and for reasons to be entered in the record of said commissioners, and the same rule shall apply to the policemen designated to act as constables except as to their legal fees.

Compensation.

No extra.

CHAPTER XXII.

SECTION 1. The fiscal year of the city shall commence on the first day of March in each year unless otherwise provided by ordinance.

Fiscal year.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds;

Revenues.

First, Contingent fund,—to defray the contingent and other expenses of the city, for the payment of which, from some other fund, no provision is made;

Contingent fund.

Fire department fund.	<i>Second</i> , Fire department fund,—to defray the expense of purchasing grounds, erecting engine-houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;
General street fund.	<i>Third</i> , General street fund,—to defray the expenses of opening, widening, extending, and altering streets, alleys, and public grounds; for paving, re-paving, and repairing the same; for cleaning public streets, alleys, and grounds, and for the construction and repair of cross-walks;
General sewer fund.	<i>Fourth</i> , General sewer fund,—to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water courses;
Bridge fund.	<i>Fifth</i> , Bridge fund,—for the construction and maintenance of bridges and culverts;
Water fund.	<i>Sixth</i> , Water fund,—for constructing reservoirs and cisterns, and providing other supplies of water; for maintaining water-works and extending water-pipes;
Public building fund.	<i>Seventh</i> , Public building fund,—for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;
Police fund.	<i>Eighth</i> , Police fund,—for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;
Cemetery fund.	<i>Ninth</i> , Cemetery fund;
Interest and sinking fund.	<i>Tenth</i> , Interest and sinking fund,—for the payment of the public debt of the city and the interest thereon;
Sidewalk fund.	<i>Eleventh</i> , Sidewalk fund,—for the construction, repairing, and cleaning of sidewalks;
Other funds.	<i>Twelfth</i> , Such other general funds as the council may from time to time constitute.
Three mill interest and sinking fund.	SEC. 7. The council shall also raise annually three mills on the dollar of the assessed valuation of the property in the city, to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.
Warrant not to be drawn.	SEC. 19. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it: <i>Provided</i> , That between the first day of March and the collection of the taxes mentioned in the annual appropriation bill in any year, the council may by resolution order the drawing and issuing of warrants in anticipation of the raising of any fund, to an amount not exceeding thirty per cent of the amount raised in such fund the previous year, and the treasurer shall pay such warrants out of any money in any general funds remaining in his hands. Moneys so paid to be in the nature of a loan, and to be restored to the funds from which they are taken out of the first collections for the funds for which they were anticipated. Any warrant, draft, or contract, payable by the provisions of this act from any particular fund, excepting as in this
Proviso.	

section otherwise provided, and bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

CHAPTER XXIII.

SECTION 1. The supervisors of said city shall, in each year, after the year eighteen hundred and eighty-five, make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State; and, in so doing, they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof. ^{Supervisors, duties of.}

SEC. 4. The supervisors of the several wards, together with the city attorney, shall constitute a board of review of assessments: ^{Board of review.} *Provided*, The city attorney shall have no vote therein. On the fourth Monday in May in each year, after the year eighteen hundred and eighty-five, the said board of review shall meet at the office of the recorder, and there proceed to review and correct the assessments made by the supervisors in the several wards; and for that purpose said board shall have the same powers and perform the same duties in all respects as boards of review of townships in reviewing and correcting assessments. Said board shall continue in session not less than three days nor more than five days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the recorder by publication in one of the newspapers of the city, at least one week before the time of the review. ^{Notice of time and place of meeting.}

SEC. 14. Any person claiming any of the lands sold as aforesaid, or any interest therein, may, at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying to the treasurer of said city the amount for which said parcel was sold, or such portion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of ten per cent per annum, which shall be paid to the purchaser; but in no case shall the interest be computed for less than three months from the day of sale, whereupon the treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof, and he shall, at the expiration of the year after the making of said sale, deliver to the recorder of said city a statement of all the lands that have been redeemed as aforesaid, and the amounts paid for such redemption. ^{Redemption.}

CHAPTER XXV.

President, secretary.

SECTION 2. Such board shall annually elect one of its members president, who shall hold office for one year, and until his successor shall be appointed. Said board shall appoint some person to be secretary of said board, who shall attend all meetings thereof, and keep a record of its proceedings, which shall be deemed a public record, and shall at all times be open to the inspection of the mayor and members of the common council, and all persons interested therein. Said secretary shall perform such duties and in such manner as the said board may direct.

This act is ordered to take immediate effect.

Approved May 26, 1885.

[No. 360.]

AN ACT to incorporate the public schools of the village of Fenton, of the township of Fenton, Genesee county, Michigan.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all the territory and lands situated in the townships of Fenton and Tyrone, and now known as Union District Number One fractional Fenton and Tyrone, described as follows, viz.: Section numbered twenty-five (25), twenty-six (26), thirty-five (35), and thirty-six (36) in the township of Fenton, Genesee county, Michigan, and the north part of the west half of the northeast fractional quarter of section two, and west three-quarters of north half of northwest quarter of section one, and south part of the north half of the west half of northeast quarter of section two, and the north part of the west half of the northeast quarter of section two, and parcel of land described as follows: Beginning sixty (60) rods east of northwest corner of section one, thence east sixty rods, thence south eighty rods, thence west sixty rods, thence north eighty rods to the place of beginning, in the township of Tyrone, Livingston county, Michigan, town four north, of range six east, shall constitute a single school district, to be known and designated as the "Public Schools of Fenton," and such district shall have all the powers and privileges conferred upon school districts and union school districts, by general law; and hereafter all schools organized therein in pursuance of this act, under the direction and regulation of the school board, shall be public and free to all children actual residents within the limits thereof between the ages of five and twenty years inclusive.

Powers.

Trustees.

SEC. 2. The officers of said district shall consist of six trustees whose term of office shall be three years, two of whom shall be elected at the annual meeting of the district, to be held on the first Monday in September in each year, after the year eighteen hundred and eighty-five. Two trustees for the term of three years shall be elected by ballot at the annual meeting of said district in the year eighteen hundred and eighty-five, to succeed Josiah Buckbee and

Anson Morehouse, and one additional trustee for the term of one year, which said three trustees, together with the three trustees whose terms of office shall have not yet expired, shall constitute the first board of trustees under this act. The successors to said Josiah Buckbee and said Anson Morehouse shall be designated on the ballots cast at said annual meeting in the year eighteen hundred and eighty-five, as "trustees for the full term," and the additional trustee to be then elected as "trustees for the term of one year."

Within ten days after said annual meeting in the year eighteen hundred and eighty-five, the board of trustees as above constituted, shall meet and elect from their own number a president, secretary, and treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director, and assessor of school districts in the State, except so far as the same are varied or modified by the provisions of this act, or other acts relating to said district. The present trustees and officers of the district hereby incorporated, shall be and continue the trustees and officers of said district until the election of their successors as above provided. Said board of trustees shall have power to fill any and all vacancies that may occur in their number, or in the officers appointed by them until the next annual meeting of the district.

President, secretary and treasurer, powers and duties.

Vacancies.

SEC. 3. Said board of trustees shall, before hiring any teacher, examine into his or her qualifications, and all teachers employed by said board shall be considered as legally qualified without any further examination by or certificate from the county board of examiners.

Teachers.

SEC. 4. It shall be the duty of said board of trustees to provide all necessary appendages for the school-houses and to keep the same in good condition and repair, to establish and maintain a district library, and for that purpose they may take and hold the library books, fixtures and furniture now held and possessed by said school districts; to employ superintendents, teachers, janitors and librarians; to purchase other books for said library; to establish, locate, and maintain a high school, grammar, and primary schools, and, generally, to do all things needful and desirable for the maintenance, prosperity, and success of the schools in said district, and the promotion of the thorough education of the children therein. It shall be the duty of said board to apply for and receive from the county treasurer, or other officers holding the same, all moneys appropriated for primary schools, and the district library of said district to adopt by-laws and rules for their own procedure and to make all needful rules and regulations for the control and management of the schools of said district and the said district library. Said board shall keep accurate account of all expenses incurred by them, and all claims for such expenses shall be audited by said board and paid by the treasurer out of any money provided for that purpose, on the order of the secretary countersigned by the president of said board. Said board shall present at each annual meeting of the district a statement of the amount of all receipts and disbursements for the school year, and it shall be the duty of said board to make an estimate of the amount necessary to be raised in

Trustees' duty.

Superintendents, teachers, janitors, librarians.

High school.

Expenses.

Receipts and disbursements.

Estimates.

addition to other school funds for the entire support and maintenance of such schools for the ensuing year, including the expenses for the management of said library and any indebtedness of said district, and on or before the first Monday in October the secretary shall certify such amount to the supervisor or supervisors of said district or any township, village, or city from which said district shall in part be formed, and the same shall be levied, collected and returned in the same manner as other taxes.

**Treasurer's
bond.**

SEC. 5. The treasurer of said district, within ten days after his election and before he shall enter upon the duties of his office, shall give a bond to the district in such sums and with such sureties as shall be approved by the school board for the faithful discharge of the duties of said office and to account for and pay over all moneys that shall come into his hands by virtue of such office; and he shall have power, by suit at law, under the direction of the district board, in the name of the public schools of Fenton, to collect all moneys due said district for tuition of scholars who are not actual residents of said district, or that may be due said district in any other manner whatever. Said bond shall be filed with the secretary of said board.

Tuition.

Secretary.

SEC. 6. The board of trustees shall require the secretary to keep a record of its proceedings and of the rules and by-laws it may from time to time enact; and to do and transact all other business that shall be required of him by said board, for which labor he shall receive such compensation as the board of trustees shall determine upon by a vote at any regular meeting of the board.

Property, etc.

Debts, etc.

SEC. 7. All lands, school-houses and sites, together with the furniture, library, property, effects and estate of Union school district number one fractional of the township of Fenton and Tyrone, both real and personal, and all debts and demands due or owing to said district as heretofore existing are hereby declared to be the property of the said district as herein incorporated, and all bonds, debts, and obligations, dues and contracts of said Union school district number one fractional of the townships of Fenton and Tyrone, shall be and they are hereby declared the debts, dues and contracts for the public schools of Fenton, as incorporated, and shall be binding on said public schools according to the respective terms and conditions thereof, in all respects the same as if this act had not been passed.

**School-house
sites.**

Proviso.

SEC. 8. The qualified voters of said district shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present, any number of sites for school-houses, and to change the same by a similar vote at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for such school-house, a majority of the voters present at such meeting shall have the power to instruct the school board to locate said site. The site of the several school buildings heretofore located, and now held by Union school district number one fractional of the townships of Fenton and Tyrone, shall be and are hereby declared and deemed school-house sites for the public schools of said district.

SEC. 9. Suits may be brought by or against the public schools of

Fenton on all contracts, obligations, debts, bonds, or demands due ^{Suits.} and unpaid from or to said school district in like manner as they might have been by or against said school district if this act had not been passed.

SEC. 10. That the annual meeting of said district shall be held <sup>Annual meet-
ing.</sup> on the first Monday of September in each year, and after the year eighteen hundred and eighty-five, the qualified voters shall elect by ballot two trustees who shall hold their offices three years and until their successors shall have been elected and qualified.

SEC. 11. That at the meeting of the board of trustees next pre- <sup>Inspectors,
board of.</sup> ceding the said annual meeting, it shall be the duty of said board to elect from its number three members of said board who shall constitute a board of inspectors for the purpose of conducting the annual election of trustees of said district.

SEC. 12. The said board of inspectors shall before opening the <sup>Clerk of elec-
tion.</sup> polls, appoint a suitable person to act as clerk of the election, and said clerk, so appointed, shall take the constitutional oath of office, which oath either of said inspectors may administer.

SEC. 13. Said board of inspectors shall provide a ballot box at <sup>Election of
trustees.</sup> the expense of said district and open the polls at such place within said district as the district board shall designate, giving public notice as required by law for the election of two trustees, whose terms of office shall be for three years, and until their successors shall have been elected and qualified. Said polls shall be opened at seven o'clock P. M., or as soon thereafter as may be on the day of <sup>Polls, open and
close.</sup> annual school meeting, and shall continue open until nine and one-half o'clock in the evening.

SEC. 14. The qualification of male electors shall be the same as <sup>Qualification of
electors.</sup> at general elections, and the qualification of female electors, and of persons holding office shall be the same as is or may be provided by the general school laws for school districts, and each person offering to vote shall deliver his or her ballot to one of the inspectors, in presence of the board, who shall deposit the same in the ballot box.

SEC. 15. If any person offering to vote at such election, shall be ^{Challenge.} challenged as unqualified by any legal voter in said district, one of the inspectors shall declare to the person so challenged the qualifications of a voter, and if such person shall state that he or she is qualified, and the challenge shall not be withdrawn, the said inspector shall tender him or her an oath in substance as follows: "You do swear (or affirm) that you are twenty-one years ^{Oath, form of.} of age, that you are an actual resident of this school district, and are legally qualified to vote at the general elections in this State." Or he or she may take the following oath: "You do swear (or affirm) that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are liable to pay a school district tax therein." Or he or she may take the following oath, to wit: "You do swear (or affirm) that for the past three months you have been an actual resident of this school district, or residing upon territory

now attached to this school district, and that you are the parent or legal guardian of one or more children, now included in the school census of this district," and any person taking either of said oaths, shall be permitted to vote at such election.

Idem.

SEC. 16. If any person so challenged shall refuse to take such oath, his or her vote shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury.

Perjury.

Poll list.

SEC. 17. The clerk of the election shall keep a poll list, which shall contain the names of all electors voting at such election, and at the close of the polls the inspectors shall immediately proceed to canvass and ascertain the result of the election, which canvass shall be public, and the two persons found to have received the largest number of votes at such election, shall be deemed duly elected trustees.

May hold real estate.

SEC. 18. The public schools of Fenton, aforesaid, shall have power to take, accept, and hold any real or personal estate by gift, grant, bequest, or devise, for any purpose connected with the schools of said district, or for the benefit of said library, and said board of trustees shall use and appropriate the same for the purposes and uses mentioned in the instrument, giving, granting, or devising the same, and for no other purpose.

Library.

SEC. 19. Said library shall be and remain the property of the corporation created by said act, and shall be for the benefit of and be open to all actual residents of said school district, under such rules, regulations, and restrictions as the board shall from time to time make and ordain.

This act is ordered to take immediate effect.

Approved May 26, 1885.

[No. 361.]

AN ACT to amend section seven of act number forty-four of the session laws of eighteen hundred and fifty-nine, being "An act for the benefit of fractional school district number one of Vassar, and number two of Tuscola," approved February third, eighteen hundred and fifty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven of act number forty-four of the session laws of eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows:

Powers and duties.

SEC. 7. This act shall not affect the powers and duties of school inspectors in the formation of fractional districts, or the laying out, regulating, or altering the boundaries of said district, and they shall have and exercise all the powers in relation thereto conferred by the primary school law of this State.

This act is ordered to take immediate effect.

Approved May 26, 1885.

[No. 362.]

AN ACT to amend section fifty-seven of act number two hundred forty-nine of the session laws of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-nine, eighteen hundred seventy-one, as amended by act number three hundred eleven, local acts of eighteen hundred seventy-seven, approved April twenty-three, eighteen hundred seventy-seven.

SECTION 1. *The People of the State of Michigan enact,* That section fifty-seven of act number two hundred forty-nine of the session laws of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-nine, eighteen hundred seventy-one, as amended by act number three hundred eleven, local acts of eighteen hundred seventy-seven, approved April twenty-three, eighteen hundred seventy-seven, be amended so as to read as follows: Section amended.

SEC. 57. The officers of said corporation shall be entitled to receive out of the city treasury the following sums, in full payment for their services, rendered under the provisions of this act and the ordinances of the city: The mayor shall be paid the sum of two hundred dollars per annum. The aldermen shall receive the sum of one dollar and fifty cents each for each attendance of the meetings of the common council. The recorder shall receive such a sum as the common council shall allow, not exceeding six hundred dollars per annum. The city attorney shall receive such sum as the common council shall allow, not exceeding two hundred and fifty dollars per annum. The marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed by law for similar services, and he shall also receive such further compensation from the city as the common council shall allow, not to exceed nine hundred dollars per annum; and any officer in said city who shall be authorized to arrest any person for any offense against any of the by-laws of said city, shall, for making such arrest, either with or without process, be entitled to receive and collect as costs from the person so arrested, if guilty, the sum of sixty cents in full for making any such arrest in the city. The recorder and other justices of the peace, and constables, shall be allowed the same fees as are allowed by law to corresponding township officers. All other officers, street commissioners, inspectors of election, surveyors, or persons performing service for the city shall receive such compensation as the common council shall allow, or as they may fix and determine by ordinance or resolution. Officers, compensation

Ordered to take immediate effect.

Approved May 27, 1885.

[No. 363.]

AN ACT to amend sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-nine, thirty, thirty-two, thirty-three, thirty-five, forty-three, forty-nine, fifty-nine, and sixty of an act entitled "An act to revise and amend the charter of the city of Battle Creek," approved April third, eighteen hundred and seventy-nine, and to repeal section thirty-four of said act.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-nine, thirty, thirty-two, thirty-five, forty-three, forty-nine, fifty-nine and sixty, of an act entitled "An act to revise and amend the charter of the city of Battle Creek," approved April third, eighteen hundred and seventy-nine, be amended so as to read as follows:

Streets, etc:

SEC. 21. The common council shall have full power by the concurring vote of two-thirds of all the aldermen elect, to lay out, establish, open, extend, widen, straighten, alter, close, vacate, or abolish any highways, streets, avenues, lanes, alleys, public grounds, or spaces in said city; also to obtain sites for public buildings for said city, and to lay through private property sewers and water pipes; also to open private roads and alleys in said city whenever the said common council shall deem the same to be a necessary public improvement. Private property may be taken for public use, for the purposes above mentioned, but the necessity of making such improvement, and the necessity for taking such private property for public use therefor, the just compensation to be made for the same, and the damage arising to any person from the making of such improvement, shall be ascertained by a jury of twelve freeholders residing in said city.

Taking private
property for
public use.

Resolution for.

SEC. 22. Whenever the common council shall deem it necessary for the use and benefit of the public to make any such improvement and to take private property therefor, said council shall, by resolution, so declare, which resolution shall describe the property proposed to be taken and designate the purpose for which it is to be used. Said resolution shall direct the city attorney to institute proceedings upon a day named therein, before some justice of the peace of said city to be therein designated, to carry out the objects of such resolution.

City attorney,
duty of.

Petition.

SEC. 23. Upon the passage of such resolution by the common council, it shall be the duty of the city attorney to prepare and file in the name of the city, upon the day fixed, with said justice, a petition signed in the name of the city by the city attorney in his official capacity, which shall allege the passage of said resolution and have attached a copy thereof certified by the recorder. Said petition shall describe all the lots, tracts, and parcels of private property proposed to be taken, and set forth the names of the owners, occupants, mortgagees, lessees and others interested in such lots, tracts and parcels, respectively, so far as the same can be ascertained. Said petition shall set forth the improvement proposed to be made, and shall allege that the same is necessary for the public use, and that it is necessary to take the private property proposed

to be taken for the public use therefor; and shall pray that a jury may be impaneled to determine whether it is necessary to make such improvement, and if so, whether it is necessary to take such private property for the public use therefor, and if so, to ascertain and determine the just compensation to be paid therefor, and to assess and apportion the damages and compensation awarded to and upon all the taxable property of said city.

SEC. 24. The damages and compensation awarded by the jury and Costs, etc. assessed as above, together with all the costs and expenses of the proceedings, shall be paid by the city and raised by a general tax to be levied and collected according to the provisions of this charter.

SEC. 29. On the day and at the hour specified in said summons, Duty of the Justice. or on some other day and hour to be appointed at that time by said justice, the said justice shall call the case and shall enter the appearance of all parties who appear in answer to said summons, and the default and appearance of those who do not answer, and if no sufficient cause to the contrary is shown, shall make an order on his docket that a jury be impaneled to determine the necessity of making the improvement described in said petition and of taking the private property therein described for public use therefor, and to fix, determine, apportion and assess the damages and compensation therefor as hereinbefore provided; and thereupon the marshal of Marshal. said city shall attend before the said justice, and shall write down the names of twenty-four disinterested freeholders of and residing in said city, who are qualified to serve as jurors, and who shall be approved by said justice, said marshal having been first duly sworn for that purpose. Said justice shall then issue a *venire* directed to Venire. said marshal, commanding him to summon the said twenty-four persons to be and appear before said justice to serve as jurors in said matter on some day to be named therein at a specified hour, which day shall not be less than three nor more than ten days after the issuing of said *venire*. The marshal shall serve said *venire* at least two days before the return day thereof, and make return in the same manner as in case of *venires* in civil cases before justices of the peace, and the persons thus summoned shall be bound to appear before said justice and serve until discharged; and said justice shall Fine, juror. impose a fine upon any juror failing to attend or serve, not exceeding five dollars for each day's non-attendance or neglect to serve, to be imposed and collected, with the costs, in the same manner as for jurors' failure to attend or serve in civil causes before justices of the peace, but jurors may be exempted or excused from serving for Excused. the same reasons for which jurors in such civil cases may be exempted or excused.

SEC. 30. The names of the jurors in attendance and who do not claim to be exempt or are not excused from serving shall then be Jurors, how drawn. written by said justice on separate slips of paper of equal size and appearance as near as may be and be deposited by him in a box having a lid or cover. He shall then shake said box so as thoroughly to mix said slips of paper or ballots, and shall draw out impartially and openly so many of said slips or ballots containing names written thereon, one after another, as shall be sufficient to

Challenges. form a jury of twelve persons. In impaneling a jury the city shall be entitled to two and the respondents collectively to four peremptory challenges, and to such challenges for cause as said justice shall allow.

Jury. SEC. 32. The first twelve persons who shall appear as their names are drawn and called by said justice, or who appear as talesmen when all of the ballots have been drawn from the box and who shall be approved by said justice shall be the jury, and they shall be sworn as follows: "You do solemnly swear (or affirm) that in the

To be sworn. matter of the petition of the city of Battle Creek to (as the case may be) now pending before me, you will well and truly ascertain whether the same is a necessary public improvement, and if it is, whether it is necessary to take the lands described in said petition or any part thereof for public use for such improvement, and if you determine that it is necessary, then that you will ascertain, determine and award the just compensation to be made to any person therefor, and apportion and assess the same upon all the taxable property of said city, and will faithfully and impartially perform and discharge all other duties that may devolve upon you in this matter, and unless discharged by me, a true verdict give, according to the law and the evidence, so help you God." They shall go to

To visit property, etc. the place of the intended improvement in charge of the marshal, and upon, or near as practicable to, any property proposed to be taken and described in said petition and shall then return to the office of said justice and hear the proofs and allegations of the parties and the arguments of counsel. They shall be instructed by said justice as to their duties and the law of the case and shall then retire under charge of the marshal, who shall be first duly sworn for that purpose, and they shall render their verdict in the same manner as on the trial of an ordinary civil case.

Justice to instruct jury. SEC. 33. The jury shall first determine in their verdict the public necessity for making the proposed improvement, and if they find such necessity they shall next determine whether it is necessary to take any or all of the lands described in said petition for the public use for such improvement, and in case they find that such necessity exists, they shall award to the owners of such property such compensation therefor as said jury may deem just. If any such private

Jury to determine necessity for taking. property taken shall be subject to a valid mortgage, lease, or agreement, and the taking thereof for such purpose will impair such mortgage, lease, or agreement, the jury shall apportion and award to the mortgagee, lessee, or person interested in such agreement such portion of the compensation allowed for such property as they shall deem just, and if there are any buildings or other movable property situated on any land taken, the jury may, at the written request of the owner, permit the same to be removed by the owner and allow him for the expense of the removal thereof, instead of

Compensation. damages for its value. Unless removed by the owner as aforesaid, all buildings, fences, and other fixtures taken by such proceedings shall become the property of the city, and shall be sold at auction by the city treasurer, after giving notice of such sale by publication for five successive days in the daily editions of the

To apportion award.

Expense of removal.

Buildings to be sold at auction.

**Damages to be
paid to whom.**

Blank verdict.

Description of property.

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When take possession.	council may enter upon, take possession of, and convert the private property found necessary to be taken by said verdict to the public use for the purposes for which it was taken. The city treasurer shall make on oath, a certificate of his action in making such tender, payment, or deposit, and file the same with the recorder.
Treasurer's duty.	Whenever such judgment shall become final it shall be the duty of the recorder to procure a certified copy of the docket of said justice, and file the same in the recorder's office. Said recorder shall then record the certificate of the treasurer and the certified copy of the docket at length in a book to be provided, used, and known as the "Book of Street Records," a certified copy of which record shall be deemed and considered evidence in all courts and places of the matters therein contained and of the regularity of all proceedings from the commencement thereof, to and including the final judgment.
Recorder's duty.	
Book of street records.	
Supervisor's duty.	SEC. 49. The supervisor is hereby authorized and required to perform the same duties that the supervisors of townships under the general laws of this State are required to perform in relation to the assessing of property and levying of taxes for State, county, city, and school purposes, and he shall also issue his warrants, which shall be signed by said supervisor and mayor and sealed with the seal of said city, to the treasurer of said city for the collection of such taxes in the same manner as the supervisors of townships issue warrants to the township treasurer for the collection of taxes in townships, and for such services he shall receive such annual salary as shall have been fixed by the common council at its first meeting in the month of March preceding his election. He shall also represent said city in board of supervisors of said county of Calhoun, and shall be entitled to all the rights, privileges, and powers of the other members of said board, and shall discharge the same duties as a member of said board. The mayor and recorder of said city, and the alderman of each ward thereof, having the shortest time to serve shall also be <i>ex-officio</i> members of the board of supervisors of said county of Calhoun, and shall with the said supervisor elected or appointed in and for said city, represent said city in the board of supervisors of said county, and shall possess the like powers and be chargeable with the like duties as any other of the members of said board of supervisors and shall be entitled to the same pay and be paid in the same manner as the other members of said board: <i>Provided</i> , That said mayor, recorder, and aldermen shall exercise no authority as supervisors except as members of the said board; but the aldermen of each of the wards having the longest term to serve, shall constitute a supervising board, whose duty it shall be, after said supervisor of said city shall have completed his assessment roll, and previous to the days appointed by law for the review of the same, to meet with said supervisor on some day or days to be appointed by him, and carefully examine, inspect, and compare the whole of said roll and to advise said supervisor as to the equalization of the valuation of the property mentioned and described in said roll, and they shall receive for such service the same compensation per day as is paid to said super-
His salary.	
Mayor, recorder and alderman <i>ex-officio</i> supervisors.	
Proviso.	
Supervising board.	

visor which shall be paid by the city: *Provided*, That the time for the review of the assessment roll as provided for by law, shall be on Thursday and Friday next preceding the second Monday of July in each year. Review board to meet when.

SEC. 59. The common council shall have power and authority, in addition to the tax provided for in section fifty-eight of this act for streets, sidewalks, crosswalks, bridges, lanes, alleys, and public grounds, to levy and collect taxes on all of the real and personal property within the limits of said city, by them deemed necessary, not exceeding one per cent each year, on the valuation of the real and personal property in said city, as determined by the assessment roll for that year, for the ordinary municipal expenses not provided for in said section fifty-eight of this act, and not exceeding four per cent in each year on the aforesaid valuation for the purpose of paying any indebtedness of said city, and all city taxes provided for by said sections fifty-eight and fifty-nine of this act to be assessed, levied, and collected, shall be so assessed and levied previous to the second Monday of August, and shall be collected on or before the fifteenth day of September in each year, but it shall be necessary to make but one assessment in each year. Common council, power, etc., to collect taxes.

The common council shall also have power and authority to make, establish, and enforce, all necessary by-laws and ordinances for the collection of the same. One per cent.

The taxes thus assessed shall become at once a debt to the city from the persons to whom they are assessed, and the amounts assessed on any real property shall be and remain a lien on such real property for the amount of the tax, interest, and charges thereon, from the second day of August of the year in which such assessment is made, until paid. Four per cent.

The common council shall have and are hereby invested with full, ample and complete authority, whenever they shall deem it necessary and for the best interests of the city, to issue the bonds of said city, in such form, payable at such time or times, and at such rate of interest, not exceeding five per cent per annum, as they shall determine, for the purpose of funding or paying any indebtedness of said city, or to provide for the construction of water-works, or sewers, or the introduction of water in said city, but for no other purpose whatever: *Provided*, That no bonds shall be issued to provide for the construction of water-works, or sewers, or the introduction of water, in said city, until a majority of all of the electors of said city, voting upon said question, shall have voted in favor of making such improvement, either at any charter election, or at a special election called by the common council for that purpose at such time and in such manner as said council shall specify. When to be levied and collected.

By-laws, etc.

Taxes a debt to the city.

Lien on real property, when.

Authorized to issue bonds for water-works, etc.

Proviso.

SEC. 60. It shall be the duty of the supervisor, whenever the city assessment roll shall have been completed, and previous to the second Monday of August in each and every year, to assess the taxes that have been levied by the common council, adding thereto and to all other taxes required by law to be assessed by him, one per cent for collecting expenses upon the amount so levied upon the taxable property in the city, according and in proportion to the individual and particular estimate and valuation as specified in Supervisor to assess the taxes, when.

To add one per cent for collecting.

the assessment roll of the city for that year. He shall, on the second Monday of August in this and each and every year thereafter, deliver to the treasurer a copy of said assessment roll, with the taxes annexed to each valuation, and such portion of said taxes as is levied on account of any indebtedness of the city shall be carried out in one column, and so much thereof as is levied for all other expenses of said city shall be carried out in another column, and the totals of all of said portions shall be carried out in the last column of said roll. He shall then annex thereto a warrant, under the hands of the supervisor and mayor, with the seal of the city affixed, commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof, opposite their respective names, on or before the fifteenth day of September of that year; and it shall authorize said treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons, in the same manner as is or shall be provided by law in cases of township treasurers. Immediately after the common council shall have levied any taxes, the recorder shall certify to the supervisor the amounts thereof. It shall also be the duty of the supervisor to make a separate assessment roll for the collection of taxes levied and assessed for State, county, and school purposes, but it shall not be necessary to make a new or different assessment therefor. Said State, county, and school taxes shall be carried out in separate columns, and he shall also carry out the total amount of taxes in the last column of said roll, and shall add thereto four per cent for collecting expenses, according and in proportion to the individual and particular estimate and valuation as specified in said assessment roll. Said treasurer shall deduct three of said four per cent upon all taxes paid to him previous to the first day of January. He shall deliver to said treasurer a copy of said assessment roll, within the same time provided for townships, and shall annex thereto a warrant, under the hands of the supervisor and mayor, with the seal of the city affixed, commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, on or before the day specified in said warrant; and it shall authorize said treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons in the same manner as is or shall be provided by law in cases of township treasurers. Whenever the common council shall fix a salary for said treasurer, as they are hereby authorized to do, then said percentage collected by him on all taxes shall be paid into the general expense fund of said city for the use of said city.

SEC. 2. Section thirty-four of said act is hereby repealed.

This act is ordered to take immediate effect.

Approved May 27, 1885.

[No. 364.]

AN ACT to amend sections twenty-seven, thirty-nine, and ninety-three, and to repeal section ninety of an act entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred seventy-three, as amended.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-seven, thirty-nine, and ninety-three, of an act entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred seventy-three, as amended by act number three hundred nine of the local acts of eighteen hundred eighty-three, approved May twenty-four, eighteen hundred eighty-three, be and the same are hereby amended so as to read as follows :

Sections amended.

SEC. 27. No member of the common council, or member of the board of public works shall, during the period for which he holds the office of mayor, alderman, or member of the board of public works, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any resolution, act, or ordinance of the common council of said city, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid by or under any resolution, act, or ordinance of the common council.

Ineligible to certain offices.

SEC. 39. The common council shall have full power and authority to levy and collect such amount of taxes upon all real and personal property within the limits of the city, as they may deem necessary to defray the expenses thereof, not to exceed in any one year one per cent on the equalized valuation thereof, for the above and all other purposes, exclusive of costs of collecting the same, except as hereinafter provided ; and the common council of said city shall not have the power to incur any indebtedness against, or to issue bonds, or pledge the credit of said city for any amount : *Provided*, That the common council may provide by necessary taxation for the payment of all bonds that have been heretofore issued for the purpose of constructing a system of water-works, from time to time, as the same shall mature.

Taxes.

One per cent.

Proviso.

SEC. 93. Plans and estimates for constructing water-works, and for repairing the same, shall be submitted to the common council for their approval, and when so approved the material may be purchased and the work may be let to the lowest responsible bidder, who shall give adequate security and do the work under such rules and regulations as may be prescribed by the board of public works; or the said board of public works may procure the work to be done in such manner as they deem for the best interests of the city. The board of public works may appoint such officers and agents as they may deem necessary for the proper management of the works, and prescribe and define their duties, and fix their compensation, subject to the approval of the common council: *Provided*, That in

Water-works.

Proviso.

case of accidental breakage of machinery or pipes, the said board of public works may proceed immediately to repair the same.

SEC. 2. Section ninety of said act is hereby repealed.

Ordered to take immediate effect.

Approved May 28, 1885.

[No. 365.]

AN ACT to authorize the village of Brighton, in the county of Livingston, to raise money to make public improvements in said village.

Authorized to borrow money.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Brighton, in the county of Livingston, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not exceeding ten thousand dollars, which shall be expended in making public improvements in said village of Brighton: *Provided*, That a majority of the electors of said village voting at an election to be called in compliance with the provisions of this act, shall vote in favor of such loan in the manner specified in this act and not otherwise.

Proviso.

To be submitted to the electors.

SEC. 2. The question of raising said money by loan shall be submitted by the common council of said village to the electors thereof and the votes shall be taken as near as may be in accordance with the provisions of an act entitled "An act to incorporate the village of Brighton," approved March eighteenth, eighteen hundred and seventy-one, and the acts amendatory thereto. The common council shall have power to order a special election, when it may by said common council be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within said village, except that those electors voting for said loan shall have written or printed on their ballots the words "For the Loan," and those voting against the loan shall have written or printed on their ballots the words "Against the Loan."

Ballots, form of.

Bonds, by whom signed and rate of interest.

SEC. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding six per centum per annum, as the said common council shall direct, and shall be signed by the president of said village, and countersigned by the recorder of said village, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the

Money, how appropriated.

amount of said bonds and the interest thereon as fast as the same shall become due. Tax to pay bonds.

Approved May 28, 1885.

[No. 366.]

AN ACT to authorize the township boards of the townships of Albion and Sheridan, also the city council of the city of Albion, to transfer certain cemetery property to a board of trustees organized under the laws of eighteen hundred eighty-one, authorizing such boards and prescribing their powers and duties.

SECTION 1. *The People of the State of Michigan enact*, That the township boards of the townships of Albion and Sheridan, county of Calhoun, also the city council of the city of Albion, county aforesaid, are hereby authorized and empowered to transfer any and all public cemetery property, rights, or appurtenances held by them; also to pay over all funds or trusts belonging to or held by said boards for such considerations and on such conditions as may be stipulated between the parties to a legally organized cemetery board of trustees under the law of eighteen hundred eighty-one, providing for the organization of such boards possessed of certain powers and required to perform certain duties; also empowered to hold all memorial or trust funds and to see that they are faithfully applied to the purposes named by the donors thereof: *Provided*, That no such transfers shall be made unless said boards, by a two-thirds vote of such boards, shall determine that said transfer shall be a permanent public benefit. Township boards and city council authorized to transfer cemetery property, etc., to cemetery board of trustees.

Ordered to take immediate effect.

Approved May 28, 1885.

[No. 367.]

AN ACT to amend sections twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and forty of act two hundred and eleven of session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the village of Lowell," approved March fifteenth, eighteen hundred and sixty-one, and the acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and forty of act two hundred and eleven of the session laws of eighteen hundred and sixty-one and the acts amendatory thereto, are amended so as to read as follows: Sections amended.

SEC. 20. The common council shall have authority to levy and collect taxes on the real and personal property within the limits of the village by them deemed necessary to defray the expenses thereof which shall not exceed one-fourth of one per cent on the valuation Common council authorized to levy and collect taxes.

One fourth of one per cent for the general fund. For the fire department. *Proviso.*

Not exceeding \$3,000 in any one year.

In what case authorized to borrow \$10,000.

Proviso.

Further proviso.

Highway tax one per cent.

Street fund.

Street commissioners.

Assessment roll to be made on or before the first Monday of May.

Board of review.

Quorum.

Majority vote.

Board of review to meet when and where.

thereof for the general fund, one-fourth of one per cent in addition thereto for the fire department: *Provided*, That if necessary the council may raise such an amount by special tax as may be necessary for building and furnishing buildings for the care and protection of the fire property of the village, and for the purchase of such fire engines, hose therefor, and such other fire apparatus, as the council shall deem necessary, not exceeding three thousand dollars in any one year, and in case there should be a greater sum needed for fire purposes than the council are authorized to raise, it shall be lawful for the council to borrow any sum of money for the exclusive purpose of purchasing grounds and building buildings, and for purchasing fire engines, and other fire apparatus for the extinguishment of fires, not exceeding ten thousand dollars, and to fix the time and place of payment: *Provided*, It shall not be lawful for the council to borrow such sum or any portion thereof, unless the question of borrowing the same shall have been submitted to the electors of the village at an annual or at a special election, called by the council for that purpose, and a majority of the electors at such election voting therefor by ballot: *And provided further*, That no such special tax or money raised by bonding the village shall be used for any other purpose whatever except fire purposes as aforesaid. And the council may raise one per cent in addition to the above as a highway tax, and shall have power and authority to make all necessary ordinances for the collection of the same, and every assessment lawfully imposed by the council on any lands, tenements, or hereditaments from the time of imposing the same shall be and remain liable for such tax, or assessment, until the same is paid, and the owner, occupant, or occupants or parties interested in said real estate shall be liable on demand to pay every such tax. The said highway tax shall constitute a street fund, and the same shall be expended on the highways and streets in the village by one or more street commissioners appointed by the council and under the direction of the council.

SEC. 22. The assessor shall, once in each year, make an assessment roll containing a description of all the property real and personal in the village, and the name of the owner, occupant, or agent, if known, and the name of every person liable to pay a capitation or poll tax as provided in this act, and shall set down in such roll the valuation of all such property at its fair cash value, which shall be done on or before the first Monday of May in each and every year.

SEC. 23. The council shall, on or before the first Monday of May in each year, appoint two freeholders, residents of the village, who, together with the assessor, shall constitute and be a board of review for that year, and shall take the constitutional oath of office, and a majority of said board shall constitute a quorum for the transaction of business. A less number may adjourn, and a majority vote shall decide all questions. On Tuesday next following the third Monday of May the board of review of the village shall meet at the office of the assessor and he shall submit to said board the assessment roll for the current year as prepared by him, and said board

shall proceed to examine and review the same, and during that week said board, of its own motion or on sufficient cause shown, shall add to said roll names of persons, the value of personal property and the description and value of real property liable to assessment in said village omitted from such assessment roll, shall correct all errors in the names of persons, in the description of property upon such roll, and in the assessment and valuation of property thereon, and they shall do and cause to be done whatever may be necessary to make said roll comply with the law. The board shall pass upon each valuation and enter the valuation as fixed by it in a separate column; the roll as prepared by the assessor shall stand as approved and adopted as the act of the board of review, except as changed by a vote of the board. If for any cause a quorum does not assemble during the week above mentioned the roll as prepared by the assessor shall stand as if approved by the board of review.

May add to roll names of persons, etc.

To pass upon each valuation, etc.

Assessor's roll to stand as approved by the board except as changed by a vote thereof. Also, if a quorum does not meet.

SEC. 24. The board of review shall, at the request of any person whose property is assessed thereon, or of his agent, and upon sufficient cause being shown, correct the assessment in such manner as in their judgment will make the valuation thereof relatively just and equal. The board may examine on oath the person making such application or any other person touching the matter, and any member of said board is hereby authorized to administer such oath. Immediately after the board shall have completed the review of such roll a majority of the board shall endorse thereon and sign a statement to the effect that the same is the assessment roll for the village for the year in which it has been prepared and approved in form following, viz.:

In what case to make corrections.

May administer oaths.

Statement to be endorsed on roll and signed by majority of board.

"Assessment roll of the village of Lowell for the year 18..... as approved by the board of review.

Dated.....

Board of Review."

Upon the completion of such roll and on or before the second Monday of June of each year, the assessor shall deliver the same to the recorder. The roll with the endorsements aforesaid shall be conclusively presumed by all courts and tribunals to be valid, and the omission of such endorsement not to affect the validity of such roll.

Assessor to deliver roll to recorder when.

Presumed to be valid.

SEC. 25. It shall be the duty of the recorder, under the direction of the common council, whenever the said assessment roll shall have been completed, in each and every year to assess the taxes that have been levied by the common council for the year upon the taxable property in said village, according and in proportion to the individual and particular estimate and valuation as specified in the assessment roll for the year. He shall thereupon on or before the first Monday of August of each year deliver to the marshal a copy of said assessment roll with the taxes for the year annexed to each valuation and carried out in separate columns for each separate fund and carry out the total amount of taxes in the last column of said assessment roll, and shall annex thereto a warrant under the

Duty of recorder to assess taxes.

To deliver copy of assessment roll to the marshal.

Warrant of the recorder. Seal of the village.	hand of the recorder and under the seal of the village, commanding the marshal to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, which warrant shall be made returnable on the first Monday of October of each year, and it shall authorize the marshal in case any person shall neglect or refuse to pay his tax to levy the same by distress and sale of the goods and chattels of such person, and the recorder is hereby authorized to issue the warrant aforesaid.
Warrant returnable when.	
Levy and sale of goods.	
Marshal to collect taxes.	SEC. 26. The marshal, upon receiving the tax roll with such warrant annexed, shall proceed to collect the taxes therein mentioned and such amount as may be paid in to him. Within the first fifteen days he may add one per cent as his fee, and upon such sums as he may collect thereafter he may add not to exceed four per cent in addition as his fee and such amount as is herein specified as fees may be retained by him. The marshal shall call upon each person taxed, if a resident of the village, at least once and demand payment of the taxes charged to such person upon such roll, and in case of refusal or neglect to pay the same, the marshal shall levy the same by distress and sale of the goods and chattels of every such person wherever found in the county, and may take any property that can be taken by township treasurers in the collection of taxes, and he shall give the same notice and shall sell in same manner as township treasurers are required to do in the collection of taxes, and the same proceedings as near as may be shall thereafter be had in reference to said sale and in reference to any surplus money as are provided for township treasurers in reference thereto. The marshal shall, within ten days after the time mentioned in his warrant for the collection of such taxes, or within ten days from the time said warrant may be extended, to pay over unto the village treasurer all such sums of money as may have been by him so collected (except the fees aforesaid) and shall take a receipt therefor from said treasurer. The marshal shall, within ten days after the time mentioned in his warrant for the collection of said taxes, or within ten days from the time when the same may be extended, return a true, compared and certified copy of said tax roll and warrant into the office of the recorder, and in case any taxes mentioned in said roll shall remain unpaid and he shall be unable to collect the same he shall make out a statement of the taxes remaining due and unpaid with a full and perfect description of such premises from said roll and that he has not, upon diligent enquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.
May add one per cent. Four per cent.	
Shall call upon each person once, etc.	
Levy and sale.	
Of what property. Notice and sale.	
Proceedings had. Surplus money, how disposed of.	
Marshal to pay over moneys to village treasurer, when.	
Exception. Treasurer's receipt.	
Marshal to return certified copy of tax roll to recorder, when.	
Marshal's statement of taxes unpaid.	
Village treasurer's statement of taxes unpaid.	SEC. 27. If any of the taxes on said roll assessed on real property remain unpaid the village treasurer shall make a statement of the same with a full and perfect description of such property with the taxes upon each parcel thereof, which statement shall be verified by the affidavit of the marshal that such taxes remain unpaid and that he has not, upon diligent enquiry, been able to discover any goods or chattels liable to pay such sums whereupon he could levy the same. The marshal shall also make a statement showing the taxes
To be verified by the marshal's affidavit.	

upon personal property remaining unpaid and the names of the persons against whom assessed and the amount against each, and in such statement shall set forth the amount of all money collected by him on account of taxes, which statement shall be verified by the affidavit of such marshal in which he shall state in substance that the sums mentioned in such statement as uncollected remain unpaid, that he has not, upon diligent enquiry been able to discover any goods or chattels belonging to the person liable to pay such sums whereupon he could levy the same, and that the amount of money collected by him upon such tax roll is truly stated therein.

Marshal's statement of unpaid taxes on personal property.

To be verified by the marshal's affidavit.

SEC. 28. The return of all unpaid taxes of the village of Lowell on real property may be made by the village treasurer of the village of Lowell to the county treasurer in same manner and with like effect as returns made by township treasurers; the taxes thus returned shall be collected in the same manner as taxes returned by township treasurers, and the same proceedings had in regard to the sale and conveyance of lands for delinquent taxes, and shall be conducted in the same manner as lands returned by township treasurers for such taxes, except that the village attorney may conduct the proceedings on the part of the village. The accounts in regard to such delinquent taxes shall be kept by the county treasurer, with the village of Lowell, in same manner as near as may be as such accounts are kept with townships, and the money to be paid over to the village treasurer at same time and in same manner by such county treasurer as provided between him and the township treasurer, and settlement be made between the county treasurer and village treasurer same as with township treasurers, and all of the provisions of law now in force or that may hereafter be in force relating to delinquent taxes and the sale of lands therefor shall be applicable to the village of Lowell the same as townships as near as may be except as is herein otherwise provided. The common council may extend the time for the collection of taxes not exceeding thirty days in any one year.

Return of unpaid taxes on real property to be made by the village treasurer.

In what manner to be made.

How collected.

Proceedings in regard to sale and conveyance.

Duty of village attorney.

Accounts in regard to delinquent taxes, by whom and how kept.

Money to be paid to the village treasurer, when, etc.

Settlement.

Delinquent taxes, etc.

Extension of time for the collection of taxes.

SEC. 29. The marshal shall collect all taxes levied in and for the village except as herein otherwise provided, and be a police constable, and may serve any and all papers and processes that may be lawfully delivered to him for service, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; he shall see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the president or common council and attend the meetings of the council when required by the council, and may command the aid and assistance of any and all persons in discharge of the duties imposed upon him by law; he shall also, under the direction of the council, see to making, grading, paving, repairing and opening of all streets, lanes, alleys, bridges and sidewalks within said village unless the council shall devolve the same upon one or more street commissioners that they are hereby authorized to appoint; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found drunken or disturbing the peace, or

Marshal to collect taxes.

To be police constable and may serve papers.

His fees, etc.

To see that all by-laws, etc., are enforced.

To obey orders of president and common council.

To attend meetings of the common council.

May command the assistance of all persons in the discharge of his duties, etc.

To see to making and grading streets, etc.

Marshal shall arrest in certain cases, with or without process.
To pay all moneys to village treasurer.

Duties of.

Special elections.

Inspectors of.

Notice for. Manner and time of voting, canvassing, etc., to be the same as at a general election.

offending against any of the by-laws and ordinances of the village, and to forthwith take such person or persons before any justice of the peace of the township of Lowell, to be dealt with as the by-laws and ordinances provide; and he shall pay all moneys by him received by virtue of his office as marshal, belonging to the village, to the treasurer of the village at such time and in such manner as is herein provided, or as the council may direct, and to take receipt therefor, and he shall perform all the duties that may be required of him by the by-laws, ordinances or resolutions passed by the common council.

SEC. 40. Special elections may be appointed by resolution of the council and held at such times as they shall determine, the purposes and object of which shall be fully set forth in the resolution appointing such election. The inspectors of such special election shall be the same as for an annual election. The notice for holding such election, the manner and time for voting, the manner and time for canvassing the votes and declaring the result of such special election to be same as annual elections, and all the rules applicable to an annual election so far as same may be practicable are to be applied to special elections.

This act is ordered to take immediate effect.

Approved May 29, 1885.

[No. 368.]

AN ACT to detach certain territory from the present township of Sodus in Berrien county, and to attach the same to the township of Benton, in said county.

Territory detached and attached.

SECTION 1. *The People of the State of Michigan enact*, That section six (6) fractional, of Sodus township, being township five (5) south, range eighteen (18) west, in Berrien county, be and the same is hereby detached from said township of Sodus, and attached to the township of Benton, in said county of Berrien.

Ordered to take immediate effect.

Approved May 29, 1885.

[No. 369.]

AN ACT to amend section one, act three hundred sixty-nine of the session laws of eighteen hundred seventy-five, entitled "An act to organize the union school district of the village of South Lyon," relative to the boundaries thereof.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That section one of act three hundred sixty-nine of the session laws of eighteen hundred seventy-five, entitled "An act to organize the union school district of the village of South Lyon," be and the same is hereby amended so as to read as follows:

SEC. 1. That the territory embraced within the limits following, Territory incorporated.
to wit: The west three-quarters of sections twenty (20) and twenty-nine (29), and fractional sections thirty (30) and nineteen (19), situated in the township of Lyon, county of Oakland, and the east one-half ($\frac{1}{2}$) of sections twenty-four (24) and twenty-five (25), in Green Oak township, Livingston county, be and the same is hereby declared to be a graded or high-school district, which shall be a body corporate by the name and style of "Union school district of the village of South Lyon," and by that name may sue for all lawful debts owing to, and may be sued for all lawful debts contracted by the board of trustees, and shall be subject to all the general laws of this State relative to corporations as far as the same may be applicable; and shall be subject to the same general laws as other school districts as far as the same may be applicable. Subject to general laws so far as applicable.

Ordered to take immediate effect.

Approved June 2, 1885.

[No. 370.]

AN ACT to re-incorporate the village of Birmingham in the county of Oakland.

SECTION 1. *The People of the State of Michigan enact*, That the following described lands and territory, the same lying and being in the township of Bloomfield, to wit: The south half of section twenty-five and the north half of section thirty-six; also a piece of land commencing at a post ten chains and eight links east from the southwest corner of the northwest quarter, thence north three chains to a post, thence west six chains seventy-five links to a post, thence south three chains to a post, thence east six chains and seventy-five links to the place of beginning, containing two acres and four square rods of ground, the same being known and used as a cemetery. Also a strip of land twenty feet wide, lying north of the south line of said cemetery, extended east to the Saginaw turnpike, now used and occupied as a way between said turnpike and said cemetery, all situate and lying in town two north, of range ten east, be and the same is hereby re-incorporated and constituted a body corporate by the name and style of the village of Birmingham. Territory incorporated.

SEC. 2. The first election of officers under the provisions of this act shall be held on the second Monday in March, in the year of our Lord eighteen hundred eighty-six, at such place in the village as the council shall designate. The polls shall be opened at the time, and the said election shall be held and conducted in all respects as provided for in the general act for the incorporation of villages, and the village president, clerk, and one acting trustee, to be named by the common council, shall be the village board of registration for the present year, and shall act as such board in the manner and at the time and place directed, and the legal voters of said village shall be registered as provided for by said act for the incorporation of villages, referred to in section seven of this act. First election. Board of registration.

Notice to be given of the time and place of holding.

SEC. 3. Notice of the time and place of holding the first election, as provided for in the preceding section, shall be given by the present village clerk, in said village, in the same manner as is directed for the giving of said notice by the village clerk in section four (4) of chapter three, of said general act for the incorporation of villages.

Officers to continue in office.

SEC. 4. The officers in said village now in office, shall continue therein with the same powers and duties as are conferred by the said general village incorporation act, herein mentioned, upon like officers, until their successors shall be elected pursuant to the provisions of this act, and the general law relating to villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred seventy-five, and the laws supplementary and amendatory thereof.

Rights of action and of property to survive.

SEC. 5. All rights of action which may have accrued to said village as heretofore incorporated, and all property, both real and personal, belonging to the same shall survive and belong to, and may be enforced and disposed of by the village corporate created by this act, and all liabilities of said previously existing village corporate shall be assessed and paid by the village created by this act.

Ordinances to continue.

SEC. 6. All existing ordinances and resolutions of said village of Birmingham, not inconsistent with the provisions of this act, shall continue in force until repealed or amended by the common council of said village.

Powers and duties.

SEC. 7. The said village of Birmingham in all things not herein and otherwise provided for, shall be governed and its powers and duties defined by act number sixty-two, of the session laws of eighteen hundred seventy-five, aforesaid, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto, and all the provisions thereof, not inconsistent with the provisions herein contained, shall be deemed supplementary to this act for the government of said village.

Ordered to take immediate effect.

Approved June 2, 1885.

[No. 371.]

AN ACT to amend sections four, seven, fifty-one, fifty-two, seventy-five, and one hundred and sixteen, of act number one hundred and ninety-two of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the city of Pontiac," approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, and to add fifteen new sections to said act to stand as sections one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-five, one hundred and ninety-six, one hundred and ninety-seven, one hundred and ninety-eight, one hundred and ninety-nine, two hun-

dred, two hundred and one, two hundred and two, and two hundred and three.

SECTION 1. *The People of the State of Michigan enact*, That sections four, seven, fifty-one, fifty-two, seventy-five, and one hundred and sixteen, of act number one hundred and ninety-two of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the city of Pontiac," approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows. Also that fifteen new sections be added to stand as sections one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-five, one hundred and ninety-six, one hundred and ninety-seven, one hundred and ninety-eight, one hundred and ninety-nine, two hundred, two hundred and one, two hundred and two, and two hundred and three:

Sections amended.

Sections added.

SEC. 4. The common council of said city shall have power to appoint a city treasurer, wood inspectors, one from each ward; fire wardens, not to exceed one for each fire district, which fire districts may be bounded as the said common council shall order; also a physician, whose duties and compensation said common council may designate; a city attorney, whose compensation shall not exceed one hundred dollars in any one year; and such other officers as said common council may deem necessary to execute the powers granted by this act. All of which officers appointed by said common council shall hold their respective offices at the pleasure of the common council.

Officers appointed by the common council.

SEC. 7. At each annual election there shall be elected one mayor, one clerk, and one marshal, each of whom shall hold his office for the term of one year; also at such election, the electors of each ward in said city shall elect one alderman, who shall hold his office two years: *Provided*, That at the first election held under this act, two aldermen shall be elected in each ward, one for the term of one year, and one for the term of two years, and until their successors shall be elected and qualified, and that the term for which said aldermen are elected at said first election shall be designated on the ballots. There shall be elected annually in each ward, by the electors thereof, one supervisor, one treasurer, and one constable, who shall hold their office for one year; and at the first election, and at each fourth annual election thereafter, the electors of the first and second wards, which wards are hereby constituted a judicial district, shall also elect one justice of the peace; and the electors of the third and fourth wards, which wards are hereby constituted another judicial district, shall also elect one justice of the peace; which said justices of the peace shall enter upon the duties of their offices on the fourth of July then next and hold the same for four years: *Provided*, That at said first election one additional justice of the peace shall be elected in each of said districts, to hold his office until the fourth day of July, eighteen hundred and sixty-seven. All justices' dockets, lawfully being at the time this act

Election of mayor, clerk, and marshal.

Election of aldermen.

Proviso.

Election of supervisor, constable, justice of the peace.

Proviso.

shall take effect, in the hands of the justice of the peace residing in either of the judicial districts of said city, shall pass into and be in the possession of the justice of the peace elected for the same judicial district, whenever he shall be duly qualified: *Provided*, That the justices of the peace now in office shall continue to hold their respective offices during the terms for which they were respectively elected.

Cemetery. SEC. 51. The common council of the city of Pontiac shall have power to purchase and to hold a suitable lot or lots of land, within or without the limits of said city, for the purpose of a cemetery or cemeteries, and when such lands are properly conveyed and platted by the board of control, convey to purchasers suitable lots therein, and when such lots are sold cause the same to be conveyed to purchasers by a sufficient deed or deeds, subject to such conditions as the board of control may suggest, in the corporate name of the city of Pontiac, to be signed by the mayor and clerk.

Board of control of. SEC. 52. The care, supervision, management, and control of the city cemeteries of the city of Pontiac shall be and is hereby intrusted to and vested in a board, to consist of five persons who shall be citizens of Michigan, of lawful age, and resident in the city of Pontiac. The said board shall be called and known as "The Board of Control of Cemeteries of the City of Pontiac."

Salary of city officers. SEC. 75. The common council shall have the power to determine the salary or compensation to be paid to the several officers of said city, within the limits herein otherwise prescribed, which shall be as follows, to wit: To the mayor a sum not exceeding five dollars per annum; to the city clerk a sum not exceeding one hundred dollars per annum, over and above his fees and perquisites prescribed by law; to the city treasurer a sum not exceeding fifty dollars per annum; to the street commissioner a sum not exceeding two dollars per day, and at that rate for any part of a day, for every day actually spent by him in the performance of such duties; to each alderman of the city, as such, the sum of two dollars per meeting of the council actually attended by him, not exceeding twenty-six meetings in any one year, to be paid by the city treasurer upon the certificate of the city clerk of such attendance of such alderman, which sum so paid shall be received by each alderman as full compensation for all services rendered to the city of every nature whatsoever; to the marshal the sum of four hundred and fifty dollars per annum; to the city attorney a sum not exceeding one hundred dollars per annum; and they may establish the fees and compensation of all other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

On refusal of owner the council may widen streets, etc., and collect with interest. SEC. 116. Whenever the owner or occupant of any house or lot shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening streets, or building or repairing sidewalks, or for any other purpose, it shall be lawful for such common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses, with damages, at the

rate of ten per cent, with costs of suits, from the owner or occupant of such house or lot whose duty it was to conform to such regulation, or may add thereto ten per cent, and return the same, to be assessed and collected in the same manner as the ordinary city taxes are collected, and shall be a lien upon the premises as any other taxes.

SEC. 189. The first board of control shall consist of five persons, hereinafter named, who shall hold their offices respectively for the terms as hereinafter provided, all of which said terms shall commence on the first Monday of July, in the year of our Lord eighteen hundred and eighty-five:

Philip B. Phelps,	for the term of	one year.
John D. Norton,	" " " "	two "
Dr. John P. Wilson,	" " " "	three "
D. C. Buckland,	" " " "	four "
Charles Draper,	" " " "	five "

First board of control.

and at the expiration of the respective terms of office hereinbefore specified and yearly thereafter the mayor of the city of Pontiac shall appoint by and with the advice and consent of the said board of control, a member in his stead for the full term of five years, or until his successor is duly appointed, confirmed and qualified, and in case of a vacancy in said board from any cause the vacancy shall be filled in the same manner.

Mayor to appoint member of.

SEC. 190. The said board of control shall have full control over and direction of all the affairs pertaining to the city cemeteries, and shall cause surveys and plats to be made of all lands purchased and used for city cemeteries, and over the sale and sales of all lots and prices to be charged therefor, in either the Oakhill cemetery now owned by the city of Pontiac, or any land or lands which the city may hereafter acquire for cemetery purposes.

Board to have full control of cemetery.

SEC. 191. The said board of control shall at the first meeting held by it, or as soon as may be, choose from its members a president, a vice-president, a secretary and a treasurer. The president shall preside at all meetings of the board, and in his absence the vice-president. The secretary shall keep a true and correct record of all the meetings and proceedings of the board, and all papers, records and files pertaining to the proceedings of the board, and all records and papers pertaining to the Oakhill cemetery shall be placed in the hands of the secretary of the said board to be kept and preserved by him; and such books, papers, and records shall be open to public inspection and shall be under the control of the board.

Board to choose a president, vice-president, secretary and treasurer; their duties.

Books, etc., open to inspection.

SEC. 192. The treasurer of the board shall give a bond to the board of control of the cemeteries of the city of Pontiac in such penalty and with such sureties and with such condition as may be required, and the bond shall be approved by the board and deposited with the secretary of the board. It shall be the duty of the treasurer to keep all moneys received from sale of lots or which may be received by gift, grant, bequest, or legacy, or which may be otherwise acquired, subject to the order of the board of control.

Treasurer's bond.

All moneys subject to order of board.

Duties of the secretary.	SEC. 193. The secretary shall keep a record of all lots sold, the time of sale, the purchase price, and the name of the purchaser or purchasers, the same to be recorded in a book kept for that purpose, and no deed shall be made by the mayor and clerk until the purchase price fixed by the board on the lot intended to be conveyed is fully paid.
Deed not to be given until debt is fully paid.	
Cemetery fund	SEC. 194. All moneys received from the sale of lots or otherwise shall be under the control, and subject to the order of the board of control, and the fund shall be called the "Cemetery Fund," and no part thereof shall be used except for cemetery purposes.
All moneys, etc., under control of board.	SEC. 195. All moneys and property which may be received by said board or by the city of Pontiac by way of gift, grant, devise, or bequests for cemetery purposes, shall be under the control of said board of control and shall be held in trust by said board, subject to the terms and conditions on which the same may be given, granted, devised or bequeathed, and the same shall constitute a trust fund, and if in money, shall, unless otherwise expressed by those making such gifts, grants, or bequests, be invested as a permanent fund in undoubted real estate securities, the interest therefrom, after fulfillment of such conditions expressed, to be used in improving the cemeteries under the control of the said board, and no part of such gifts, grants, devises and bequests shall be used or appropriated for other than cemetery purposes.
How invested.	SEC. 196. The said board of control shall, on the first Monday in July in each year, make a full report to the common council of the city of Pontiac of all their doings, and of all moneys received and paid out, and of all lots sold and the price paid therefor, and a full statement of the financial condition of the property under its charge, which report shall be signed by the president and countersigned by the secretary, the same to be filed of record in the office of the city clerk, and a duplicate thereof shall be filed of record with the secretary of the board of control.
Can only be used for cemetery purposes.	
Report of board of control.	
Board of control may make rules and by-laws.	SEC. 197. The board of control shall have full power and authority to make all requisite and necessary rules and by-laws to carry into effect the powers vested and duties required by this act; and such by-laws shall be entered upon and recorded in a book to be kept for that purpose.
May appoint a sexton.	SEC. 198. The said board of control shall have power to appoint a sexton to perform such duties as they may require, and to fix compensation for the services of all persons who may be employed in the care of the cemeteries.
No compensation.	
Compensation of secretary.	SEC. 199. The members of said board of control shall serve without compensation; but a reasonable fee per annum may, in their discretion, be paid to the secretary for keeping the books and records of said cemeteries.
All moneys to be transferred from city treasurer to treasurer of board.	SEC. 200. All moneys in the hands of the city treasurer of the city of Pontiac which belong to the cemetery fund, or which have been received from the sale of cemetery lots, shall be transferred by said city treasurer to the treasurer of the said board of control, and said city treasurer shall take a receipt for the same from said treasurer of said board of control, which shall remain of record in said city clerk's office.

SEC. 201. In the case of lands which may hereafter be purchased by the city of Pontiac for cemetery purposes, such purchases shall be made by the common council of said city, by and with the advice and consent of the said board of control, and not less than twenty-five per cent of the moneys received from the sale of lots in said lands so purchased shall be paid to the city of Pontiac—until the purchase price shall have been paid—the remaining seventy-five per cent shall be and remain subject to the order of the board of control, to be used for the purposes and as is specified in this act, and after the city is fully reimbursed for such purchase money, the said moneys shall wholly inure to the cemetery fund and be subject to the order of said board.

Lands for cemetery, by whom purchased on consent of board.
Twenty-five per cent of sales to be paid to the city.

Cemetery fund.

SEC. 202. The common council of the city of Pontiac shall have power to cause to be condemned private property for the use of a public cemetery or cemeteries, whether the lands sought to be condemned are within or without the city limits, but the necessity for taking and using such property and lands, a just compensation to be paid for the same and the damages accruing to any person or persons by reason thereof shall be ascertained in the same manner, as near as may be, as such necessity, compensation, and damages are or may hereafter be ascertained by townships in obtaining land for laying out and establishing public highways, and appeals from decisions may be taken to the circuit court for the county of Oakland, as provided in section ninety-nine of the said act incorporating the city of Pontiac, and whenever such lands shall be condemned and paid for, the title shall be vested in the city of Pontiac in fee simple as fully and effectually as though conveyed by the owners thereof to said city, and the common council shall have the same powers and duties as in condemning lands for public streets.

Condemnation of property for cemetery.

Appeals.

Title in fee simple.

SEC. 203. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved June 2, 1885.

[No. 372.]

AN ACT to amend sections two, eleven, fifteen, and twenty-nine of an act entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-two, eighteen hundred seventy-three, as amended by act of April twenty-nine, eighteen hundred seventy-five, and as further amended by act of May twelve, eighteen hundred seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That sections two, eleven, fifteen, and twenty-nine of an act entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-two, eighteen hundred seventy-three, as amended by act of April twenty-nine, eighteen

Sections amended.

hundred seventy-five, and as further amended by act of May twelve, eighteen hundred seventy-seven, be and the same are hereby amended so as to read as follows:

Board to elect president.

Fill vacancy.

Duties of board.

Compensation of.

Accounts to be verified.

Board of public works to employ engineer, etc.
Compensation.

Water rates to be collected.

Collectors, etc.

Compensation.
Rules, etc.

Water rates, how enforced.

Penalty for unlawfully making water or sewer connections.

SEC. 2. The said board shall annually elect one of its number president thereof, to act as such until his successor is elected, and shall from its number fill any vacancy in said office. The members of said board shall discharge such duties and functions as appertain to the consideration and decision of all questions before the board. They shall each receive at the rate of three dollars per day for actual time necessarily spent in the discharge of the duties of their office, whether attending as members upon the sessions of said board or otherwise, but no account for services by members other than for attendance upon sessions of the board shall be paid unless the same shall first be approved by said board. The members shall make and verify their accounts for services, charging at the rate aforesaid, and thereupon it shall be the duty of the common council to allow and order payment for such services from the general fund of said city.

SEC. 11. The board of public works is hereby authorized to employ some suitable person as surveyor or engineer, and such assistants as may be necessary, who shall receive such compensation for their services as may be provided and fixed by said board, not exceeding the sum of two thousand dollars per annum for said surveyor or engineer, which said compensation so fixed as aforesaid shall be audited, allowed, and paid in the same manner as is provided for the auditing, allowing, and paying the salaries of city officers in the charter of the city of Grand Rapids. Such surveyor or engineer shall perform such services as may be required by the board of public works or common council of the city of Grand Rapids.

SEC. 15. Said board shall have power to cause to be collected the water rates, all of which shall be paid into the city treasury; they shall have power to employ such collectors, superintendents, engineers, and laborers as may be necessary in the collection of water rates, and in the care, management, and maintenance of such works, and to fix their compensation. They shall make needful rules and regulations for the imposition and collection of water rates, and for connecting the water-works with private property, and in relation to the use of water supplied thereby to consumers, and may enforce payment by cutting off the supply to consumers and premises, and deprive such consumers and premises of a supply from such works until such arrearages of water rates are paid, and may enforce payment by suit in the name of the city in any court of competent jurisdiction. The board of public works shall have power to license plumbers, drain layers, or other competent persons to lay service pipes and lateral drains, to connect with public water mains and sewers, and no person shall dig, or cause digging to be done in any street or alley in the city of Grand Rapids for the purpose of making such water or sewer connections, without first obtaining from the board of public works a permit therefor, under a penalty of twenty-five dollars for each offense, or imprisonment in

the common jail of the county of Kent for a period not exceeding thirty days. No person, other than those holding an unrevoked license from the board of public works, shall extend, or do any plumbing work on private pipes connecting directly or indirectly with public water mains, or connect with public water mains or sewers, under a penalty of fifty dollars for each offense and costs of prosecution, or imprisonment in the common jail of the county of Kent for a period not exceeding thirty days, and upon failure to pay the fines and costs herein provided for, such convicted parties may be imprisoned in said common jail of the county of Kent for a period not exceeding thirty days, unless such fines and costs are sooner paid. The prosecution for the recovery of said fine and costs shall be brought in the police court of Grand Rapids, jurisdiction upon which said court is hereby conferred to hear, try, and determine any and all violations of the board of public works act and to impose the penalties and punishments therein provided. All collectors, superintendents, engineers, plumbers, and drain layers in the employ of, or licensed by said board, shall make report to said board of their doings from time to time, at such times, and in accordance with such rules, regulations, and requirements as said board may make in the premises in that regard, and in all things, shall conform to such rules, regulations, and requirements. The board shall have power to compel any person acting under authority from them, to restore any walks, pavements, streets, or alleys that they shall dig up or disturb, to a condition that shall be satisfactory to said board. In case any person holding a license from the board of public works shall fail to comply with any of the rules, regulations, or requirements made by said board, applicable to the person holding the same, such license may be revoked by said board.

None except those holding license shall do any plumbing, etc.

To report.

License may be revoked.

SEC. 29. The board of public works shall appoint some suitable person of full age as clerk thereof, and shall fix his compensation at a sum not exceeding fifteen hundred dollars per annum, which compensation when so fixed, shall be audited and paid as the salary of the city officers of said city is audited and paid; said board may also appoint a deputy clerk with power to discharge the duties of the clerk in his absence, or on account of any disability on the part of such clerk to discharge such duties, and fix his compensation. Said clerk in person, or by deputy, shall attend upon the sessions of the board, keep a record of their proceedings, keep account books, and enter therein all receipts and disbursements touching public improvements under the control of the board, and all receipts and expenditures connected with water works and water rates, and discharge such other duties appertaining to such records and accounts as the board shall require. The common council of said city shall have power to appoint one or more deputies of the city clerk and fix the compensation of such deputy. Every person so appointed shall have power to discharge the duties devolving by any law upon the city clerk. The board of public works shall have power to employ all necessary agents and employes not otherwise provided for in this act and fix their compensation.

Clerk of board of public works.

Compensation.

Deputy clerk.

Duties of clerk and deputy.

Power to employ agents.

Acts repealed. SEC. 2. All acts and parts of acts, so far as the same are inconsistent with the provisions of this act, are hereby repealed.
 Ordered to take immediate effect.
 Approved June 3, 1885.

[No. 373.]

AN ACT to provide for the deposit of the public moneys by the treasurer of Washtenaw county with banking corporations on interest, and to authorize the investment of certain moneys now in the hands of the treasurer of said county.

Board of supervisors to contract with bank for safe keeping of moneys.

Rate of interest, how computed, when paid.

Bank's bond.

Interest to be credited to general fund.

Deposits to be withdrawn when.

County treasurer not liable for any loss.

Treasurer authorized to invest certain funds belonging to unknown heirs.

To be approved by the judge of probate.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the board of supervisors of Washtenaw county to contract with any bank or banks, incorporated under any law of this State or United States, for the safe keeping of any moneys belonging to the county, and for the payment by such bank or banks of interest thereon at a rate not exceeding that established by law; interest to be computed upon daily balances, and shall be paid on the thirty-first day of December and thirtieth day of June in each year, or at any other time when the account may be closed.

SEC. 2. Before any deposit shall be made with any bank or banks as aforesaid, such bank or banks shall execute and deliver to said county treasurer a bond in such sum and with such sureties as may be approved by said board of supervisors; said bond shall be made to the county, and shall be conditioned for the safe keeping and repayment of such moneys or any part thereof on demand, and the payment of the said interest. Said bond shall also contain other conditions as may be required by said board of supervisors.

SEC. 3. All interest moneys so paid by every such bank or banks shall be credited to and form part of the general fund of the county.

SEC. 4. The board of supervisors, whenever they shall deem it unsafe to continue said deposits with any such bank or banks, or they deem the security insufficient, may direct the county treasurer to withdraw said deposits from such bank or banks, and it shall thereupon be the duty of said treasurer to demand and withdraw such deposits as so directed by said board: *Provided*, That if any such bank or banks should suspend payment of its deposits while it may hold any deposits of said public moneys the county treasurer and his bail or his bondsmen shall not be liable for the amount of any loss that may be occasioned or sustained by such suspension.

SEC. 5. The treasurer of said county of Washtenaw is hereby authorized, with the consent and approval of the judge of probate of said county, to invest any moneys in his hands subject to the provisions of act number eighty-six of the session laws of eighteen hundred and eighty-one, approved April fifteenth, eighteen hundred and eighty-one, in interest-bearing bonds of the county of Washtenaw, or other municipal, State, or government bonds, to be approved by the judge of probate. Whenever said treasurer shall be called

upon to pay any money pursuant to the provisions of the act aforesaid, he shall pay the same from the general fund of the county if there be sufficient money in the general fund available for that purpose, and if not he may negotiate the sale of any bonds authorized by this section at not less than their par value to an amount sufficient therefor, and any advances that may be made from the general fund as herein provided, shall be reimbursed from the interest on any bonds hereby authorized to be issued, or from the principal thereof. Any annual balances of interest that may be due or in the hands of said treasurer shall be disposed of as the board of supervisors shall direct.

General fund,
to be paid from.

How reim-
bursed.

Balances of in-
terest, how dis-
posed of.

This act is ordered to take immediate effect.

Approved June 3, 1885.

[No. 374.]

AN ACT to amend section eight of an act entitled "An act to establish a board of police and fire commissioners in the city of Grand Rapids, and to prescribe their powers and duties," approved May twenty-four, eighteen hundred eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That section eight of an act entitled "An act to establish a board of police and fire commissioners in the city of Grand Rapids, and to prescribe their powers and duties," approved May twenty-four, eighteen hundred eighty-one, be and the same is hereby amended so as to read as follows:

Section
amended.

SEC. 8. All the powers of electing or appointing a chief of police, police constables, special policemen, additional policemen, and watchmen, are vested in said board of police and fire commissioners, subject to such limitations and restrictions as to qualifications and compensation as are provided in the charter of said city for the government of the mayor and common council in making such election or appointments. Said board shall accordingly have power, and it shall be their duty annually, on the first Monday of May, in each year, or as soon thereafter as may be, to appoint by ballot, or otherwise, as they may decide, a chief of police, and so many police constables and watchmen as they may deem necessary, not exceeding three for every two thousand inhabitants of said city, and fix the compensation of the same, and they may designate one or more of the police constables to be sergeants of police, and as such to exercise control over the police force as prescribed by the regulations of the board. They shall also appoint as many special police constables, with or without compensation, in time of special emergency or apprehended danger from riot or other cause of alarm as they shall deem expedient, or as the common council of said city, or the mayor thereof may request. Said board, whenever it shall seem to them discreet, may also, on the application of any person or persons showing the necessity thereof, appoint any number of special police

Power to ap-
point police,
etc., vested in
board of police
commissioners,
etc.

constables, to do duty at any designated place or places within said city, at the charge and expense of the person or persons by whom the application shall be made, and the special police constables so appointed, shall perform duty only at the places designated by said board, and shall continue in office at the pleasure of said board, for a term not exceeding one year.

Acts repealed. SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Ordered to take immediate effect.

Approved June 3, 1885.

[No. 375.]

AN ACT to incorporate the village of Tawas City, in the township of Tawas, Iosco county, and State of Michigan.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the southeast quarter of section twenty-five (25) and lots one (1), two (2); three (3), and the northwest quarter of the northeast quarter of section thirty-six (36), in township twenty-two (22) north, range seven (7) east; also lots one (1), two (2), three (3), and four (4), and the northwest quarter of the northeast quarter, and the southeast quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section thirty (30), and fractional section thirty-one (31), in township twenty-two (22) north, range eight (8) east, in the township of Tawas, county of Iosco, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Tawas City.

First election.

SEC. 2. The first election of officers of said village shall be held on the third Monday of June, in the year one thousand eight hundred and eighty-five, at the town clerk's office, in said village, ten days' previous notice of which shall be given by the board of registration hereinafter appointed, or any of them, by posting such notice in three public places in said village.

Notice.

Board of registration.

SEC. 3. James Hamilton, Archibald G. Van Wey and Danforth B. Dixon are hereby constituted a board of registration for the purpose of registering the voters for the first election to be held in said village, and they are hereby required to meet on the Saturday preceding the time herein provided for holding the first election in said village, at the town clerk's office in said village, and register the names of all persons residents of said village presenting themselves for registration, having the qualifications of voters at annual township meetings.

Election may be held within one year.

SEC. 4. If for any reason the said election shall not be held at the time hereinbefore specified, it may be held at any time within one year thereafter by giving the notice above required.

Powers and duties.

SEC. 5. The said village of Tawas City shall in all things be governed, and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporated vil-

lages," approved April first, in the year one thousand eight hundred and seventy-five, and acts amendatory thereto.

This act is ordered to take immediate effect.

Approved June 4, 1885.

[No. 376.]

AN ACT to define and constitute school districts numbers one and four in the township of Rich, Lapeer county.

SECTION 1. *The People of the State of Michigan enact*, That school district number one of the township of Rich, in Lapeer county, which lies partly in the township of Watertown, in Tuscola county, shall hereafter be and is hereby constituted and composed of sections four (4), five (5), six (6), seven (7), eight (8), and nine (9), in surveyed township ten (10) north, of range ten (10) east, in said township of Rich. Territory incorporated.

SEC. 2. That school district number four (4) in said township of Rich shall be and is hereby constituted and composed of sections sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), and twenty-one (21), in the township and range aforesaid. Territory incorporated.

SEC. 3. The school districts as above constituted shall continue and remain bodies corporate and politic under the general laws of this State regulating school districts, the formation, alteration, meetings, and powers thereof, except as herein otherwise provided. To have all the rights and powers conferred by the general laws.

Ordered to take immediate effect.

Approved June 5, 1885.

[No. 377.]

AN ACT to legalize a certain mortgage issued by the Midland County Agricultural Society.

SECTION 1. *The People of the State of Michigan enact*, That a certain mortgage given by the Midland County Agricultural Society through their proper officers, executed on the twenty-fourth day of October, eighteen hundred eighty-three, and given for the money to purchase said society grounds and making the improvements thereon, be and the same is hereby declared to be legal and valid in every respect. Mortgage legalised.

Ordered to take immediate effect.

Approved June 5, 1885.

[No. 378.]

AN ACT to authorize the Kent County Agricultural Society to dispose of certain property and invest the proceeds.

SECTION 1. *The People of the State of Michigan enact*, That whenever said Kent County Agricultural Society, by a vote of five Sale of fair grounds.

President and
secretary to sell
and deed.

of its directors present and voting at any meeting of its board of directors regularly called, shall order the sale of the real estate or fair grounds, situated in the township of Paris, in said county of Kent, it shall be competent for the president and secretary, and they are here by authorized and empowered to sell the same, either at public or private sale, as the said board of directors may order, and to make good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof.

Proceeds, how
to be used.

SEC. 2. If a sale is made under the authority conferred by section one of this act, the proceeds of such sale, after the payment of all the debts and liabilities of said society, shall be used in providing and fitting up other and more commodious grounds in said county of Kent, for holding exhibitions or fairs; and such other grounds may be provided and fitted up by said Kent County Agricultural Society alone, or in connection with any other society organized for a like purpose, and in such manner and upon such terms as the said board of directors may determine.

Exempt from
taxation.

SEC. 3. The real estate and personal property now or hereafter held by said Kent County Agricultural Society, or by any other society organized for a like purpose, with which it may be connected, as provided in the last preceding section, to an amount not exceeding in value fifty thousand dollars, shall be exempt from taxation, so long as the same shall be used for the legitimate purposes for which it has been or shall be purchased and held.

This act is ordered to take immediate effect.

Approved June 9, 1885.

[No. 379.]

AN ACT to authorize the county of Bay to buy and maintain or build a bridge across the Saginaw river.

Authorized to
buy and con-
struct bridge.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the board of supervisors of Bay county to buy the bridge across the Saginaw river known as the Bay City and West Bay City bridge, and to construct a bridge across said river south of the bridge aforesaid, between South Center street in Bay City and a point on the west bank of said river at or near the south line of West Bay City.

Not to exceed
\$7,000 and
\$9,000.

SEC. 2. The amount to be raised for the purchase of said bridge shall not exceed the sum of seven thousand dollars, and the amount to be raised for the construction of the new bridge aforesaid shall not exceed the sum of nine thousand dollars.

To be a free
bridge and under
whose con-
troll.

SEC. 3. The bridge so purchased and the bridge so constructed shall be and remain free bridges, and shall be managed, controlled, and kept in repair by the county of Bay, under the direction of the board of supervisors thereof, and such officers or agents as may be designated by the said board of supervisors for that purpose.

May be raised
by tax or loan.

SEC. 4. The said board of supervisors may raise the money to purchase said bridge and to construct a bridge as aforesaid by tax

or by loan; but such money shall not be raised by either tax or loan unless the same shall be authorized by vote of the electors of said county voting thereon, on each proposition separately, at any spring or general election Vote, when to be taken.

SEC. 5. If said board of supervisors shall decide to raise said money by a loan, they shall so determine by a resolution, wherein they shall set forth the proposed terms and conditions of said loan. The manner of submitting the question of raising said money by tax or loan to the electors shall be prescribed by the said board of supervisors. Resolution.

SEC. 6. Notice of said election shall be given, and said election shall be held, returns made, and votes canvassed in the same manner as provided in sections four hundred and eighty-four, four hundred and eighty-five, and four hundred and eighty-six of the compiled laws of eighteen hundred and seventy-one. Notice of election.

SEC. 7. If said loan shall be authorized the board of supervisors may issue the bonds of said county to secure the payment of said loan and the interest thereon, and the said board of supervisors may levy taxes upon said county of Bay for the payment of said bonds and the interest thereon as they fall due, in the manner provided by law. May issue bonds. May levy taxes, etc.

SEC. 8. If said board of supervisors shall be authorized by a vote of the electors to raise said money by tax, the same shall be levied and assessed as other county taxes, during the year in which said bridge is purchased or a bridge is constructed as aforesaid, or any other year thereafter. How levied.

Approved June 9, 1885.

[No. 380.]

AN ACT for the relief of Francis Marsac.

SECTION 1. *The People of the State of Michigan enact*, That Francis Marsac of Tuscola county shall be entitled to his patent for his homestead under his license for his lands described as follows, viz.: The east half of the northeast quarter of section thirty-one (31), in township fourteen (14) north, of range seven (?) east, in Tuscola county, on making proof of settlement as required by law, and without making proof of the drainage of said lands. Francis Marsac entitled to patent.

Ordered to take immediate effect.

Approved June 9, 1885.

[No. 381.]

AN ACT to amend sections one, two, three, seven, nine; and twelve of act number three hundred and forty-four of the session laws of eighteen hundred and seventy-one, entitled "An act relative to the free schools in the city of Grand Rapids," approved March fifteenth, eighteen hundred and seventy-one, as amended by act

approved April twenty-fourth, eighteen hundred and seventy-five, as amended by act approved May ninth, eighteen hundred and seventy-seven, as amended by act approved May third, eighteen hundred and seventy-nine, and as further amended by act approved March sixteenth, eighteen hundred and eighty-one, and to add two new sections to said act to stand as sections twenty-three and twenty-four.

Sections amended and added.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, seven, nine, and twelve of act number three hundred and forty-four of the session laws of eighteen hundred and seventy-one, entitled "An act relative to free schools in the city of Grand Rapids," approved March fifteenth, eighteen hundred and seventy-one, as amended by act approved April twenty-fourth, eighteen hundred and seventy-five, as amended by act approved May ninth, eighteen hundred and seventy-seven, as amended by act approved May third, eighteen hundred and seventy-nine and as further amended by act approved March sixteenth, eighteen hundred and eighty-one, be and the same are hereby amended, and that two new sections be added to stand as sections twenty-three and twenty-four, the whole to read as follows:

School district.

Board of education.

Free to residents.

Tuition in Latin, etc.

SECTION 1. *The People of the State of Michigan enact*, That the city of Grand Rapids and all contiguous territory which shall hereafter be added thereto, shall constitute one school district, and all public schools therein shall be under the direction and control of the board of education hereinafter provided for, and shall be free to all residents of said district over the age of five years: *Provided*, That the said board of education shall have the power to establish a moderate rate of fees to be paid for tuition in the branches of Latin, Greek, German, and French taught in the high school conducted in said district, which said rate of fees shall be paid by all high school pupils pursuing the studies so designated, unless the same are remitted by said board.

School trustee.

SEC. 2. On the first Monday of September next after the passage of this act, and on the first Monday in September each year thereafter, there shall be elected in each ward of said city, by the qualified voters thereof, one school trustee, who shall enter upon the duties of his office on the second Saturday in September next after being elected, and hold the same for the term of two years thereafter, and until his successor is elected and qualified. Said trustee shall be a resident and qualified voter of said ward, and all votes cast at such election for any person who shall not be so qualified shall be void. Before entering upon the duties of the office, and within five days after written notice to him of his election, the person so elected as school trustee shall qualify by filing his acceptance with the secretary of the board of education, and by taking and subscribing, and filing with said secretary, the constitutional oath of office.

When to qualify.

Notice of election.

SEC. 3. Notices of the time and places of holding said election shall be given by the mayor, or person acting as mayor, of said city on six consecutive days, and within ten days previous thereto, by publishing such notice in two daily newspapers printed and pub-

lished in said city. At said election the trustees in their respective wards and a secretary to be chosen by the trustees of each ward shall constitute a board of inspectors of such election, and if any trustee shall be absent a person shall be chosen by the voters present to discharge the duties of said absent trustee as inspector of such election. And when there shall be no trustees in any ward or wards, the board of education shall, at least six days preceding the day on which said election is to be held, appoint one or more suitable voters of said ward or wards, as the case may be, to act as such board of inspectors of election. Each of said inspectors shall take a proper oath to faithfully perform the duties of inspector of such election, which oath may be administered by either of the trustees or any justice of the peace of said city. When thus duly organized, the voters of said ward shall proceed to vote by ballot for one school trustee. The polls shall be opened at the respective polling places at the hour of two o'clock in the afternoon, and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they will be finally closed. Said election shall be conducted in all respects in the manner provided by law for conducting the charter election of said city: *Provided*, That the list of the names of persons voting at such elections, and the inspection of the registration books, shall be made by the board of inspectors of such trustee election. Every person shall be entitled to vote at such election who is a qualified voter of the city of Grand Rapids, or qualified by the laws of the State of Michigan to vote at any election for school officers, and shall have resided in the ward in which he offers to vote at least ten days next preceding such election.

Board of inspectors.

Polls to be opened when and how long.

Proviso.

Who entitled to vote.

No compensation.

Vacancy.

President and secretary of the board of education.

Vacancy, how filled.

Board to make estimate of the amount of taxes.

To be published.

SEC. 7. No school trustee except the secretary, when he shall also be a trustee, shall receive any compensation for his services. In case of the removal from his ward of any school trustee, or of loss by him by any reason, of the qualifications requisite for a trustee, or in case of his death, resignation or removal from office, his office shall be deemed to have become vacant, and such vacancy shall be filled by the board of education at the meeting thereof next after such vacancy shall occur; but the person so appointed shall hold said office only until the next regular trustee election thereafter, at which time, if the full term shall not have expired, said vacancy shall be filled by election.

SEC. 9. The board of education shall, on the second Saturday in September of each year, or within ten days thereafter, elect one of their number president, and shall also elect a secretary of said board, who shall hold their respective offices for one year thereafter and until their successors shall be elected. Vacancies in either of said offices shall be filled by said board.

SEC. 12. Said board shall annually, on the third Monday in August, make an estimate of the amount of taxes deemed necessary for the ensuing year for all purposes of expenditure within the power of said board, which estimate shall specify the amounts required for the different objects of expenditure, and publish the same at least one week in one or more of the daily newspapers

Ratification, etc.	printed and published in said city, which said estimate shall, on the second Monday of September in each year, be presented to the common council of said city by said board for ratification, amendment, or rejection; and it shall not be lawful to levy a tax for school purposes that has not been approved by a majority of the members elect of said council. On or before the first Monday in October in each year, the secretary of said board shall make a written report of the amount of taxes so deemed necessary and approved by said council to the clerk of Kent county, and said county clerk shall apportion the said amount among the several wards of said city according to the equalized valuation of the property of said wards appearing upon the assessment rolls for such year, and shall also notify the supervisors of said several wards of the amounts so apportioned to their respective wards, and the same shall be levied, collected, and returned in the same manner as other city taxes: <i>Provided</i> , That for purchasing school lots, for erecting school-houses and for the payment of school bonds issued for such purposes, no greater sum than five mills on the dollar of all taxable valuation of the real and personal property in said city shall be levied in any one year: <i>And provided also</i> , That if for any reason said common council shall fail to pass upon said estimates in any year before the first Monday in October of such year, then the estimate of said board of education of the taxes deemed necessary for the ensuing year, duly made as aforesaid, shall be reported by the secretary to the clerk of the county of Kent, and the same shall be apportioned, levied, collected, and returned in the manner hereinbefore specified.
Report.	
County clerk to apportion, etc.	
Five mills on the dollar.	
Council failing to pass upon estimates, the estimate of the board of education to be reported, etc.	
President's veto.	SEC. 23. No vote, motion, or resolution passed by the board of education shall have any force or effect, if within twenty-four hours after its passage the president or other officer legally discharging the duties of president of the board of education shall lodge in the office of the secretary of said board his reasons in writing why the same should not go into effect, and the same shall not go into effect, nor have any legal operation, unless it shall at a subsequent meeting of the board of education be passed by a vote of two-thirds of all the members of said board of education then in office; and if so re-passed shall go into effect according to the terms thereof; and no vote, motion, or resolution of the board of education shall go into operation until after the expiration of twenty-four hours after its passage, unless the president or other officer legally discharging the duties of president of said board of education, shall sooner announce in writing, to be filed with the secretary of said board, his approval thereof.
Two thirds vote necessary to pass over.	
No vote, etc., to go into operation until after twenty-four hours. Unless, etc.	
Acts repealed.	SEC. 24. All acts and parts of acts in anywise contravening the provisions of this act are hereby repealed. Ordered to take immediate effect. Approved June 9, 1885.

[No. 382.]

AN ACT to organize the township of Ironwood, county of Ontonagon.

SECTION 1. *The People of the State of Michigan enact*, That all that territory lying and being in the county of Ontonagon, State of Michigan, known and described as fractional townships forty-three (43) north, of range [ranges] number thirty-eight, thirty-nine, and forty west, townships forty-four (44) north, of ranges thirty-eight and thirty-nine west, and fractional townships forty-four (44) north, of ranges forty, forty-one, forty-two, and forty-three west; townships forty-five north, of ranges thirty-eight, thirty-nine, forty, forty-one, and forty-two; fractional townships forty-five north of ranges forty-three, forty-four, forty-five, and forty-six west; townships forty-six north, of ranges thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, and forty-six west, and fractional township forty-six north, of range forty-seven west; townships forty-seven north, of ranges thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and fractional township forty-seven north, of range forty-seven west; townships forty-eight north, of ranges thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, and fractional townships forty-eight and forty-nine west, be and the same is hereby detached from the townships of Ontonagon and Carp Lake, and organized into a township to be known as Ironwood township.

Territory detached and organized.

SEC. 2. The first township meeting of said township shall be held at the village of Watersmeet, being on southwest quarter of northwest quarter of section twenty-seven, town forty-five north, of range thirty-nine west, on the first Monday in July next, and Frank F. Jeffres, Edward E. Paddock and O. H. Mickleson are hereby made and constituted a board of inspectors for said township election. And at such election the qualified voters shall elect by ballot persons to fill the various township offices, in manner and form as provided by the general laws of this State in case of township elections.

First township meeting, where and when to be held.

Board of inspectors

SEC. 3. If for any reason the township election shall not be held in the township named in this act at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the time and place of such meeting by posting notices therefor in four of the most public places in said township, which said notices the said board of inspectors for said township are hereby authorized and required to post.

First election may be held at any time by giving ten days' notice.

SEC. 4. If from any cause all or either of the inspectors hereby appointed shall neglect or shall be unable to attend said board at the time specified, it shall be lawful for the electors of said township to choose from the electors present suitable persons to act as inspectors of said election.

If any of the board of inspectors are unable to act others may be appointed.

This act is ordered to take immediate effect.

Approved June 9, 1885.

[No. 383.]

AN ACT to amend section two of chapter four of act number three hundred and twenty-six, of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter four of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Officers appointed by board of councilmen on nomination of mayor.
Controller.
Assessors.
Receiver of taxes.
Term of office.
Proviso.

SEC. 2. The following officers shall be appointed by the board of councilmen, on the nomination of the mayor, viz.: A controller, three city assessors, who shall be known as the board of assessors, a receiver of taxes and a city counselor who shall be a practicing attorney, and whose term and duties of office and compensation shall be prescribed by the common council, who shall hold their offices for the term of three years, respectively, beginning on the first day of July in each case: *Provided*, That the board of assessors shall be non-partisan, and the first three shall be composed of the present city assessor for the balance of his term and two new members, one to be appointed for two years and one for three years, and annually thereafter one member shall be appointed for the full term of three years. Also the following boards to hold their respective offices as now provided by the several acts relating to each board, viz.: A board of public works, to be composed of three members; a board of water commissioners, of five members; a board of inspectors of the house of correction, of four members; a board of poor commissioners, of four members; a board of fire commissioners, of four members; a board of health, of three members; and a board of Belle Isle park commissioners, of four members. There shall also be appointed by the board of councilmen, on the nomination of the controller, a deputy controller, who shall, in case of the inability of the controller to perform the duties of his office by reason of sickness, absence from the city, or other sufficient cause, be vested with all the powers and perform all the duties of the controller until the disability of the controller shall cease: *Providing, however*, That such deputy controller shall in no case have the right or power so to act as controller unless the disability of the controller shall have been first declared by resolution of the common council, nor unless said deputy controller shall have first qualified by filing an official bond in such penal sum as the common council may direct, and with sureties approved by them.

Board of public works.
Water commissioners.
Inspectors of the house of correction.
Poor commissioners.
Fire commissioners.
Board of health.
Belle Isle Park commissioners.
Deputy controller.

Proviso.

Approved June 10, 1885.

[No. 384.]

AN ACT to authorize the village of Bancroft, in the county of Shiawassee, to raise money to make public improvements in said village, to issue bonds therefor, and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the village of Bancroft, in the county of Shiawassee, be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue bonds therefor to an amount not to exceed ten thousand dollars, which shall be expended in making public improvements in said village of Bancroft: *Provided*, That a majority of the qualified electors of said village, voting at an election to be called in conformity with the requirements of act number sixty-two, of the session laws of eighteen hundred and seventy-five, shall vote in favor of such loan, in the manner specified in said act, and not otherwise.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rate of interest, not exceeding seven per cent per annum, as the board of trustees shall direct, and shall be signed by the president, and countersigned by the clerk, and sealed with the seal of said village, and negotiated by or under the direction of said board of trustees; and the money arising therefrom shall be appropriated in such manner as said board of trustees shall determine for the purpose aforesaid, and the said board of trustees shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast the same shall become due.

Ordered to take immediate effect.

Approved June 12, 1885.

[No. 385.]

AN ACT to abolish fractional school district number one of the city and township of Marquette, and to form the territory of the city of Marquette into a single school district.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the limits of the city of Marquette, in the county of Marquette, be and the same hereby is formed into a school district to be known as "School District Number One," of said city.

SEC. 2. The school district hereby formed shall be the legal successor of fractional school district number one of the city and township of Marquette, and the officers of the latter named district shall succeed to like offices in the district hereby formed during the remainder of the term for which they were respectively elected.

District abolished.

SEC. 3. Fractional school district number one of the city and township of Marquette is hereby abolished.

Ordered to take immediate effect.

Approved June 16, 1885.

[No. 386.]

AN ACT to provide for the retirement of aged and disabled fire men and the payment of pensions to the wives and children of deceased firemen, killed in the service of the city of Detroit.

Retired firemen.

SECTION 1. *The People of the State of Michigan enact*, Any person who has been a member of the fire department of the city of Detroit, or employed by the fire commission of said city for a period of twenty-five years subsequent to October twenty-four, in the year of our Lord eighteen hundred sixty, may be placed on the list of retired firemen on account of disability, by vote of said commission. Any person in the employ of the said commission who may hereafter be totally disabled in the discharge of his duty as such fireman for duty, may in a like manner be placed on the list of retired firemen. And all such retired firemen shall receive a sum equal to one-half of their annual salary paid them at the time of their retirement, annually thereafter, to be paid in twelve monthly payments during the remainder of their natural lives, such moneys to be collected and paid in the manner hereinafter provided: *Provided, however*, That no person so retired shall receive more than four hundred and fifty dollars per annum: *And provided further*, That said commission may place on the list of persons who became totally disabled in the employ of said commission prior to the passage of this act.

Half pay.

Proviso.

Pension.

Wife, \$300.

In what case money to go to children.

SEC. 2. In case any person in the employ of the fire commission of the city of Detroit shall be killed while in the discharge of his duties, or who shall receive injuries which shall result in his death within one year thereafter, the wife or children of such person shall by vote of the fire commission be paid a pension for five years. The wife shall receive the sum of three hundred dollars annually, in twelve monthly payments of twenty-five dollars each during the term of five years; or until she remarries, in which case all payments of moneys under this act to such widow shall cease, but shall be paid to such children as shall be under the age of sixteen years at the time of the death of the widow, the money to be equally divided among such children according to the number. In case such deceased person shall leave no widow, but one or more children, such child or children shall receive in equal proportions according to the number of such children, the same amount as would have been paid the widow, such payments to be paid monthly as hereinbefore provided, and to continue until such child or children shall attain the age of sixteen years, but not for a longer period than

five years, unless they die before reaching that age; in either case all payments of money under this act shall cease as each child attains the age of sixteen years. The moneys for the payment of such pensions shall be collected and paid in the manner hereinafter provided.

SEC. 3. Whenever any persons are placed on the retired list as provided in this act it shall be the duty of the fire commission to promptly report its action to the controller of the city of Detroit, giving the names of the persons retired, together with a full statement of facts connected with the retirement of such person or persons. It shall be the duty of the controller to register the names of such persons as being retired firemen of the fire department of the city of Detroit, and as hereinafter provided pay them the moneys due them under this act.

Persons placed on retired list to be reported.

Duty of the controller.

SEC. 4. There shall be kept in the office of the fire commission, by the secretary, a book to be known as the "list of retired firemen." This book shall give a full and complete history and record of the action of the fire commission in retiring any and all persons under this act, such record to give the names, date of joining the department, date of retirement and the reason therefor, of any and all persons retired. When the widow or children, or either of them, shall be entitled to a pension as herein provided, such widow and children shall make application for a pension of the fire commission, through the secretary of such commission, on a form to be provided by such commission. Accompanying such application shall be the proof of the marriage of the deceased with the widow claimant, such proof to be established by the marriage certificate or evidence of cohabitation. Proof of the birth of the children shall be shown by the certificate of the attending physician. All applications and proofs shall be retained in the custody of the fire commission. Whenever such applications for pensions are allowed by the fire commission, due notice of such action, with the names of all the pensioners, shall be given to the controller of the city of Detroit, who shall cause such persons to be registered in his office as pensioners of the fire department of the city of Detroit.

List of retired firemen, book.

Widow's application for pension.

Proof.

Pensions to be registered in office of controller.

SEC. 5. On or before the first day of April in each and every year, the controller shall submit to the common council his estimate of moneys necessary to pay such retired firemen and pensioners as shall be entitled to moneys under this act, for the fiscal year beginning on the first day of July succeeding the said first day of April; and the common council shall appropriate and cause to be levied and collected by taxation such sum of money as shall be required to make the payments provided for by this act. It is further provided that in his second and all subsequent estimates the controller shall include a sum equal to the amount of worthless taxes charged back to the fund provided by this act at the end of the preceding fiscal year. All moneys collected under this act shall be placed to the credit of "fire department retired and pension fund," and if at any time the cash balance shall not be sufficient to pay matured claims the controller is authorized to borrow such further sum as shall be required, provided that such amount shall not exceed the uncollected appropriation.

Controller's estimates for pensions.

Fire department retired and pension fund.

Fire commission, when to order pensions paid.

Vouchers to be certified to by whom, and by whom attested.

Secretary to draw warrant.

To be countersigned by whom.

Controller to draw warrant.

Secretary to examine pensioner on oath.

In what case pensioner to be dropped from roll.

Payments of pensions to be made when.

Act repealed.

SEC. 6. At the last meeting in each and every month the fire commission shall order the payment of moneys due all persons under this act. A voucher shall be prepared for the payment of each person entitled to moneys, the correctness of the same to be duly certified to by the chairman of the finance committee of the fire commission, and the fact of the allowance of the claim duly attested by the president. The secretary shall then draw his warrant on the controller for the payment of such moneys. The warrant shall be countersigned by the president of the fire commission and shall state the object for which it is drawn. Upon presentation of the warrant to the controller he shall draw his warrant on the city treasurer for the amount of the original warrant, the same to be paid from and charged to the "fire department retired and pension fund."

SEC. 7. Before issuing any warrant for the payment of a pension it shall be the duty of the secretary of the fire commission to examine under oath all pensioners with a view to ascertaining if they are at that time entitled to a pension as provided for in this act. And whenever the said secretary shall learn that any person has ceased to be entitled to a pension as herein provided for, he shall record the fact on the roll of pensioners and promptly notify the controller of such disability, and such person shall be thereupon dropped from the rolls.

SEC. 8. All payments under this act shall be made on the first secular day in each month; but when any claims for pensions are allowed after the first day of April in each year there shall be no payment until after the beginning of the ensuing fiscal year: *Provided, however,* That the first payment shall be for the period intervening between the date of the allowance of such pension, and the date of making such first payment: *Provided further,* Nothing in this act shall in any way make the State liable for the payment of any moneys herein provided for.

SEC. 9. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved June 16, 1885.

[No. 387.]

AN ACT to amend act number four hundred and eight of the session laws of eighteen hundred and seventy-one, being an act entitled "An act to organize the union school district of the township of Rogers."

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act number four hundred and eight of the session laws of eighteen hundred and seventy-one, entitled "An act to organize the union school district of the township of Rogers," be amended in section one, that a new section be supplied and added to stand in the place of section nineteen (19), and that two sections be added thereto, to

be known as sections twenty and twenty-one, and that the act so amended shall read as follows:

SECTION 1. That township thirty-four north, of ranges four, five, and six east, and township thirty-five north, of ranges four and five east, and township thirty-six north, of ranges two, three, four, and five east, and township thirty-seven north, of range two east, which are now embraced in the limits of what is now known as the township of Rogers, in the county of Presque Isle, constitute one school district, which shall be a body corporate by the name and style of the "Union School district of the township of Rogers," and by that name may sue and be sued, and shall be subject to all the general laws of this State relative to corporations so far as the same may be applicable; and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, all general provisions of which relating to common or primary schools shall apply and be in force in said district except such as shall be inconsistent with this act, or with the by-laws and ordinances of the board of education hereinafter mentioned, made in pursuance of this act.

Territory incorporated.

Union school district may sue, etc.

Powers.

SEC. 19. Whenever any township now or hereafter to be organized wholly or in part from the territory embraced in such school district, and from said township of Rogers, shall by resolution of its town board declare that it deems it expedient to have its territory detached from said school district the same shall be detached and set off therefrom upon the conditions contained in section twenty of this act being complied with.

Territory may be detached.

SEC. 20. The supervisor and clerk on the part of the township whose territory is to be so detached and the president and secretary on the part of said school district, shall constitute a board for the purpose of, and whose duty it shall be to adjust, ascertain, and determine the claims, liabilities, and outstanding indebtedness of such school district, and *pro rate* and apportion the same upon the basis of and in proportion that the assessed valuation of the territory to be detached bears to the assessed valuation of the entire territory of such school district at the time of the organization of such township; and when said board shall have so determined and apportioned said indebtedness, they shall certify in writing the sum chargeable to such townships and payable to said school district, and pass said certificate over to the treasurer of said school district, and the sum so certified shall thenceforth be due and collectible by said school district from said township, and said township shall provide for the payment of said sum and the interest thereon by an annual tax of not less than twenty per cent of such sum until it shall be wholly paid, which said tax shall be levied, assessed and collected in the same manner that other township taxes are, and it shall be the duty of the township treasurer to pay said taxes when collected to the treasurer of such school district.

Who to constitute board to adjust claims of school district.

Upon what basis to be apportioned.

To certify sum chargeable to township.

To be paid by an annual tax of twenty per cent.

Payment by township treasurer to school district treasurer.

SEC. 21. It shall be the duty of the president and secretary of such school district, upon the completion of the settlements herein provided for, to certify the same to the Secretary of State, which

President and secretary to certify settlement to Secretary of State.

said certificate shall set forth and specify the territory detached from said school district, pursuant to this act.

This act is ordered to take immediate effect.

Approved June 16, 1885.

[No. 388.]

AN ACT to legalize the proceedings had in laying out and completing a certain ditch or drain in the township of Windsor, in the county of Eaton, and to legalize the tax therefor.

South Windsor
drain legalized.

SECTION 1. *The People of the State of Michigan enact*, That all the proceedings had in the laying out, establishment, and construction of a certain ditch in the township of Windsor, in the county of Eaton, described and known as the "South Windsor drain," are hereby declared to be legalized, and the taxes assessed upon the rolls of said township of Windsor for the year eighteen hundred and eighty-four, for the construction of such [said] ditch, are hereby declared to be a legal and valid lien upon the property assessed, for the full amount of such taxes, as though the proceedings heretofore had were regular in every particular.

This act is ordered to take immediate effect.

Approved June 17, 1885.

[No. 389.]

AN ACT to authorize the township of Thomastown, in Saginaw county, to raise money by issuing the bonds of said township for the purpose of procuring the free crossing of the bridge of the State Road Bridge Company, by the taxpayers of said township of Thomastown during the unexpired time for which said bridge company is chartered, and to authorize said township and said bridge company to contract with each other in relation thereto.

Authorized to
bond the town-
ship, not to ex-
ceed \$7,500.

For what pur-
pose.

Proviso.

To be submit-
ted to a vote of
the electors,
etc.

SECTION 1. *The People of the State of Michigan enact*, That the township of Thomastown, in the county of Saginaw, be and is hereby authorized and empowered to borrow, on the faith and credit of said township, and to issue its bonds therefor to an amount not exceeding seven thousand five hundred dollars, to be used by said township in procuring the right for the taxpayers of said township to cross the bridge of the State Road Bridge Company over the Tittabawassee river free of toll during the unexpired time for which said company is chartered: *Provided*, That a majority of the electors of said township, voting on the question of such loan, shall vote therefor in the manner hereinafter specified.

SEC. 2. The question of issuing the bonds of said township for the purpose aforesaid, shall be submitted to the electors of said township, by the township board of said township, at a special election to be ordered by said board, and the vote shall be taken thereon, as near as may be, in the manner provided by law for hold-

ing township elections. At least ten days' notice of such special election shall be given by posting notices thereof in five public places in said township, at least ten days before the time fixed for such special election, and such notice shall contain the time and place when and where such special election shall be held, and the object of such election. Such election shall be by ballot, and the ballots of those who vote in favor of the loan shall contain the words, "For the bridge loan," either printed or written thereon. The ballots of those voting against the loan shall contain the words, "Against the bridge loan," either written or printed thereon.

Ten days notice.

Ballots to contain what.

SEC. 3. If such loan shall be authorized by a majority of such electors, such bonds shall be issued in sums not exceeding in all the amount hereinbefore limited, and payable at such times, not exceeding twenty years, with such a rate of interest, not exceeding seven per cent per annum, as the township board of said township shall direct, and shall be signed by the supervisor and clerk of said township, and shall be negotiated under the direction of the said township board, but not for less than the face value thereof, and the money arising therefrom shall be expended for the purpose mentioned in this act and for no other purpose.

Bonds to be issued.

Rate of interest.

By whom signed.

SEC. 4. The said township of Thomastown, by its township board, and said State Road Bridge Company, are hereby authorized to make such contracts and agreements to carry out the purposes of this act as in the opinion of said township board and said bridge company may be deemed necessary to protect the rights of said township and said bridge company.

To be negotiated at par.

SEC. 5. If such bonds shall be issued as hereinbefore authorized, it shall be the duty of the proper officers of said township, from time to time, to levy and assess such taxes upon the taxable property of said township as may be necessary promptly to meet and pay the interest and principal of said bonds as the same become due.

Authorized to contract.

Duty to levy tax to pay.

This act is ordered to take immediate effect.

Approved June 17, 1885.

[No. 390.]

AN ACT to amend and revise the charter of the city of Port Huron.

Chapter I., of the Corporation.

Chapter II., of Officers.

Chapter III., of Registration and Elections.

Chapter IV., of Qualifying of Officers.

Chapter V., of Vacancies, Removals, etc.

Chapter VI., of the Powers and Duties of Executive Officers.

Chapter VII., of the Common Council.

Chapter VIII., of the Board of Estimates.

Chapter IX., of the Board of Education.

Chapter X., of the Board of Water Commissioners.

Chapter XI., of the Public Health.
 Chapter XII., of Cemeteries.
 Chapter XIII., of the Superintendent of Public Works.
 Chapter XIV., of Justice Courts.
 Chapter XV., of Taxation and Finance.
 Chapter XVI., of the Assessment and Collection of Taxes.
 Chapter XVII., of Special Assessments.
 Chapter XVIII., of Sidewalks.
 Chapter XIX., of Sale of land for non-payment of special assessments.
 Chapter XX., of Miscellaneous.
 Chapter XXI., of Board of Sewer Commissioners.

Act amended. SECTION 1. *The People of the State of Michigan enact, That an act entitled "An act to amend the charter of the city of Port Huron," approved March twenty-ninth, one thousand eight hundred and seventy-seven, and the acts amendatory thereof, be revised and amended so as to read as follows:*

CHAPTER I.

OF THE CORPORATION.

Name of the corporation.

Powers and rights.

Local government divided into legislative and administrative.

Territorial limits.

SECTION 1. The corporation heretofore created and now known as "The City of Port Huron," shall be and continue to be a body politic and corporate under the name and style of "The City of Port Huron," and by that name may sue and be sued, plead and be impleaded, complain and defend in any court of competent jurisdiction, and may have a common seal and alter the same at pleasure, and may take, hold, purchase, have, convey, and dispose of any real and personal estate for the use of the corporation, and shall have, exercise, and enjoy such powers of a local, legislative and administrative character as are conferred by this act, and shall also exercise and enjoy such implied and incidental powers and rights as are possessed by municipal corporations in this State.

SEC. 2. The powers of local government possessed by said city are divided into two departments—the legislative and administrative. No person or body belonging to one department shall exercise powers belonging to the other, except in [the] cases expressly provided in this act.

SEC. 3. The territorial limits of said city shall consist of all that tract of country in the county of St. Clair bounded and described as follows: Commencing at a point on the national boundary line in the St. Clair River, directly opposite and in a line with the south line of fractional section fifteen in the township of Port Huron, and running thence westerly along said south line of said fractional section fifteen to the east line of section sixteen; thence north along the east line of sections sixteen (16), nine (9), and four (4), to where the east line of section four (4) intersects the northwesterly line of the Grand Trunk Railroad; thence northeasterly along the northwesterly line of said Grand Trunk Railroad to the middle of Black river road; thence up the said middle of Black river road

to the southeast line of the Campau [Compau] tract, so called; thence easterly on said line of the Campau [Compau] tract to the middle of Black river; thence up the middle of said Black river to the northwest corner of what was formerly known as the Fort Gratiot military reservation; thence easterly on the north line of said military reservation to the national boundary line in the St. Clair river; thence southerly along said boundary line to the place of beginning.

SEC. 4. The wards of said city shall be and remain as heretofore Wards. laid out and continued until altered by the common council of said city as authorized by this act.

CHAPTER II.

OF OFFICERS.

SECTION 1. The following officers of the corporation shall be elected on the general ticket at the annual city election in said city, by the qualified electors thereof, viz.: A mayor, city clerk, treasurer, and one member of the board of estimates, who shall hold their respective offices for one year, and until their successors are elected and qualified, and in each ward of said city, by the qualified electors thereof, one alderman and one member of the board of estimates, each for two years, one constable, one supervisor, and one collector, each for one year.

Officers to be elected.

Mayor, city clerk, treasurer, member of the board of estimates, alderman, constable, collector.

SEC. 2. The following officers shall be appointed by the common council, at a meeting held on the first Monday of May in each year, or at the meeting to which said meeting shall be adjourned, who shall take and subscribe the oath of office, file their official bonds, and enter upon their official duties, on the second Monday of May, or within ten days after notice of such appointment, viz.: City attorney, city controller, superintendent of public works, city engineer, and such other officers as may be authorized by resolution or ordinance of the common council, and if from any cause, said council shall fail to make either of such appointments at the times before mentioned, then such appointment may be made at any subsequent regular meeting of the council.

Officers to be appointed.

SEC. 3. There shall be one (1) justice of the peace in and for said city, who shall be elected on the general ticket, who shall hold his office for the same term, and by the same tenure, possess the same jurisdiction, powers, duties, and liabilities as a justice of the peace for a township, except as otherwise provided in this act, and the justices of the peace now in office shall continue to hold their offices for the terms for which they have been elected.

Justice of the peace.

SEC. 4. No person shall be elected or appointed to, or shall hold any office under this act who shall not be, at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city; and no person shall be elected or appointed to, or shall hold office for any ward of said city who, at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident elector of the ward from or for which he may be elected or appointed. If any person elected or appointed to

All officers must be resident electors.

any office of the corporation shall cease to be a resident of the city, or of the ward for which he may have been elected or appointed, such office shall thereby be vacated.

City attorney. SEC. 5. No person shall be elected to the office of city attorney unless he be, at the time of his election, a counselor of the supreme court of this State, of two years' standing.

Defaulter. SEC. 6. No person shall be elected or appointed to any office created by this act, who is now, or ever has been, or at the time of such election or appointment shall be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for five days after demand made, to account for and pay over to the party authorized to receive the same, any public money which has come into his possession. If any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Must be able to read and write the English language. SEC. 7. No person shall be elected or appointed to any office under this act, unless he is able to read and write the English language intelligibly, and if any such person be elected or appointed, the common council shall declare such election and appointment void.

Cannot be appointed, etc., to office created while he was member of common council, etc. SEC. 8. No member of the common council shall, after his election and during the time for which he was elected, or within one year thereafter, be appointed to any office under this act, which shall have been created, or the emoluments of which shall have been increased during such time.

Discontinuance of office. SEC. 9. Any office hereby authorized, but not specially named, may at any time be discontinued by the common council; and if there be an incumbent in such office, such discontinuance shall, on notice thereof, discharge him from the office and a further execution of its duties, and his office be deemed vacant.

Appointment by ballot, etc. SEC. 10. All officers appointed by the common council shall be appointed by ballot, and the vote of a majority of the aldermen elect shall be necessary to a choice, and officers so appointed shall hold their offices for one year, or until their successors shall be elected and qualified, except that officers appointed to fill vacancies shall hold only for the unexpired term, and until their successors are appointed and qualified.

CHAPTER III.

REGISTRATION AND ELECTIONS.

Registration and elections. SECTION 1. The registration of voters shall be had and made in accordance with the general laws of the State in force at the time of such registration, except as herein otherwise provided, and a general re-registration shall be made in the year one thousand eight hundred and eighty-eight and every fourth year thereafter in time for the general charter election of that year and such re-registration shall be made according to the general laws of this State then in force, except as herein otherwise provided; and in case of the absence or

inability of either of the aldermen of the ward to serve on the ^{Idem.} board of registration the supervisor of the ward or some elector thereof to be appointed by the common council shall fill such vacancy.

SEC. 2. The inhabitants of said city, having the qualifications of electors under the constitution and laws of this State, shall be electors therein.

SEC. 3. The annual city election shall be held on the first Monday of April in each year. Each ward shall be an election district and such election shall be held at such place in each ward as the common council shall designate, and every elector shall vote in the ward in which he resides, and the residence of an elector under this act shall be the ward in which he takes his regular meals.

SEC. 4. At least ten (10) days' notice of every election shall be given by publication in at least two newspapers of the city and by posting notices thereof in at least three public places in each ward. Such notices shall be given and posted by or under the direction of the city clerk and shall specify the officers to be elected and the time and the place in each ward of such election, and the time for opening and closing the polls.

SEC. 5. The supervisor and alderman [aldermen] of each ward shall be the inspectors of election in their respective wards; the supervisor shall be chairman, and in case of the absence of the supervisor or either of the aldermen at the time for opening the polls the vacancy shall be filled by the electors present who shall elect one of their number *viva voce* to fill such vacancy, and the person so elected shall take the constitutional oath of office before entering upon his duties.

SEC. 6. The inspectors in each ward before the opening of the polls shall appoint two competent clerks of the election, who shall take the same oath as the inspectors, which oath either of the inspectors may administer.

SEC. 7. Suitable ballot boxes, with locks and keys, shall be provided and kept by the city clerk at the expense of the city, for each ward; and it shall be the duty of the city clerk to deposit such boxes, or one of them only, when no more than one is required, with the keys or key, in the hands of the inspectors of each ward prior to the opening of the polls.

SEC. 8. The polls of election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until four o'clock in the afternoon of the same day, and no longer.

SEC. 9. Such election shall be conducted as near as may be in accordance with the general laws of this State relating to township elections in force at the time of such election, except as otherwise provided in this act.

SEC. 10. Immediately after the closing of the polls, the inspectors of election shall forthwith publicly canvass the votes received by them, and declare the result, and they shall certify a full and true return thereof, under their hands, to the clerk of the city, carefully sealed up, together with the poll lists and ballots, within

Idem.

forty-eight hours after the closing of the polls; and the inspectors of election, or a majority of them, shall, on the Thursday next after election, at four o'clock in the afternoon, meet at the common council room and proceed to open and canvass the said returns, and declare the result of the election.

SEC. 11. Special elections shall be conducted, as near as may be, in the same manner as general elections, but in such cases the return of the inspectors shall be opened and canvassed, and the result declared by the common council at its first meeting after the making of said returns.

SEC. 12. If any person be voted for at any election to fill a vacancy or residue of a term, the ballots of the electors shall designate such vacancy or residue.

SEC. 13. In the canvass of the votes, any person who has received a plurality of the votes for any office shall be declared duly elected to such office.

SEC. 14. When two or more persons shall have an equal number of votes for the same office, the two candidates having the highest number of votes shall draw lots for said office, according to the usual manner of drawing lots under the general laws of this State.

SEC. 15. The mode of conducting all State, district, and county elections in said city, shall be in the manner herein provided for the election of city officers, except that the returns shall be made to the county clerk, and the same proceedings had, as near as may be, as are now or may be hereafter provided for the return of votes by township inspectors of election; and the polls shall be kept open for the time required by the general laws of the State.

SEC. 16. The expenses of any election to be held in pursuance of this act shall be city charges, defrayed in the same manner as the other contingent expenses of the city.

SEC. 17. Any person elected or appointed to any office under this act shall continue to hold the same until his successor shall be elected or appointed and qualified, unless a vacancy shall occur as provided in this act.

CHAPTER IV.

QUALIFYING OF OFFICERS.

Qualifying of officers.

SECTION 1. Every officer appointed or elected under this act shall before entering upon the duties of his office take and subscribe the constitutional oath of office, viz.: "I do solemnly swear (or affirm) that I will support the constitution of the United States, the constitution of this State, and that I will faithfully discharge the duties of the office of ----- to the best of my ability."

SEC. 2. Officers who are elected at the annual city election, except justices of the peace and collectors, shall take and subscribe the oath of office, file their official bonds, and enter upon their duties on the second Monday of April, or within ten days after notice of election. Officers who are elected or appointed to fill the unexpired portion of a term, shall comply with the requirements of this section as above, within ten days after notice of such election

or appointment. Ward collectors shall take the oath of office on ^{idem.} the second Monday of April, or within ten (10) days after notice of their election, and shall file their bonds and enter upon their duties as hereinafter provided.

SEC. 3. The clerk of the city shall cause every officer, whether elected or appointed, as soon [as] practicable after his election or appointment, to be served with a notice thereof, and of the amount of his official bond, and if such officer shall neglect to take and subscribe his oath of office, or to file his required official bond within the time prescribed therefor by this act, or if any officer required to execute and file a new official bond, shall not comply with such requirement within ten days after notice thereof from the city clerk, the common council may declare the office in such case vacant, and such vacancy may be filled as heretofore provided in this act.

SEC. 4. The treasurer, clerk, attorney, controller, and superintendent of public works shall, respectively, before they enter upon the duties of their respective offices, and such other officers as the common council may direct, file in the clerk's office an official bond in such sum and with such sureties as the common council shall direct and approve.

SEC. 5. The official bond of every officer, unless herein otherwise provided, shall be conditioned that he will faithfully perform the duties of his office, and will, on demand, deliver over to his successor in office, or other proper officer or agent of the corporation, all books, papers, moneys, effects, and property belonging to the corporation, or appertaining to his office, which may be in his custody as an officer; and such bond may be further conditioned as the common council shall prescribe. The official bond of every officer whose duty it may be to receive and pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the corporation, or any proper officer or agent thereof, all moneys received by him as such officer; and the bond of the city treasurer shall be further conditioned that he will account for and pay over to the county treasurer all State and county taxes collected by him, when and in the manner required by law.

SEC. 6. Constables shall qualify according to the general laws of the State, relating to constables of [in] townships, except that their bonds, or instruments in writing, shall be approved by the common council.

SEC. 7. The justice of the peace shall qualify according to the general laws of the State relating to justices in townships, except that his bond, or instrument in writing, shall be approved by the common council.

SEC. 8. The common council may, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same, or in such further sums, and with new and such further sureties, as said council may deem requisite for the interest of the corporation.

SEC. 9. The common council shall examine into the sufficiency

of the proposed sureties in any official bond, or instrument in writing, required by this act, or in any contract in writing to which the corporation, or any officer or board, except the board of education, under this act, shall be a party in interest, and may require such sureties to submit to an examination under oath as to their property and responsibility. The deposition of the surety shall be reduced to writing, be signed by him, be certified by the person taking the same, and annexed to and filed with the instrument in writing to which it relates.

SEC. 10. The clerk of the city shall report the name of any person elected or appointed to any office, who shall have neglected to file his official bond and oath of office, as required by this act, to the common council at its next meeting after such default.

CHAPTER V.

VACANCIES, REMOVALS, ETC.

Vacancies, removals, resignations, etc.

SECTION 1. In any case of expulsion or removal from office by death, resignation, or permanent disability of any officer, his office shall thereby become vacant, and may be so declared by the common council.

SEC. 2. Resignations of office shall be made to the common council, in writing, and be subject to their approval and acceptance.

SEC. 3. Any officer holding office by appointment, may be removed at any time by the common council, without charges or a trial thereof, by a vote of a majority of the aldermen elect, except as herein otherwise directed: *Provided*, That if any office is created by ordinance, the incumbent thereof shall be removed only in the manner provided in such ordinance.

SEC. 4. Any officer holding office by election by the electors of said city, against whom charges shall be preferred, may be suspended from office by a majority vote of all the aldermen elected, until such charges shall be heard and determined; and any officer holding office by appointment may be suspended temporarily from office at any time by like vote. The mayor may suspend any appointed officer until the next meeting of the common council, in either of which cases the mayor shall appoint some one to fill such office temporarily, until the council shall either restore such person to office, or to fill the vacancy by election.

SEC. 5. The common council may expel or remove from office any of its members, or any other officer holding office by election by the electors of the city, except the mayor, for corrupt or willful misfeasance or malfeasance in office, or for willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reasons for such expulsion and removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said council unless first furnished with a copy of the charges, in writing, and allowed to be heard in his defense, with aid of council; and for the purpose hereof, the common council shall have [the] power to

issue subpoenas to compel the attendance of witnesses, and the production of papers when necessary, and shall proceed within ten days, after service of a copy of the charges, unless such hearing shall be adjourned to a time not exceeding thirty days, in all, and then at such adjourned meeting to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges his default may be deemed good cause for his removal from office. The mayor shall have power to suspend from office the chief of police, constables, policemen, superintendent of public works, controller, or any of them, and in case of [any] such suspension, he shall report the same, with [the] reasons therefor, to the common council at its first meeting thereafter.

SEC. 6. If any office by appointment shall become vacant, the common council may appoint a successor to serve for the unexpired portion of the official term.

SEC. 7. If a vacancy occurs in the office of mayor or alderman more than six months before the time for holding the next succeeding annual city election, the common council shall order a special election to fill such vacancy for the residue of the official term; if it occurs within six months before the time for holding such annual election, the common council may, in its discretion, order a special election to fill such vacancy for the residue of the official term.

SEC. 8. If a vacancy occurs in any elective office, other than the mayor, alderman, or justice of the peace, the common council shall appoint some person eligible under this act, to serve in such office until the next annual election, when the vacancy shall be filled for the residue of the official term.

CHAPTER VI.

OF THE POWERS AND DUTIES OF EXECUTIVE OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city of Port Huron, and conservator of its peace. It shall be his duty to keep an office in some convenient place in said city, to be provided by the common council, to see that all officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council, be faithfully observed and executed; and he shall have power, in his discretion, to report to the common council any violation thereof. He shall, from time to time, give to the common council such information and recommend such measures as he shall deem necessary or expedient. He shall, by virtue of his office, be the chairman of the common council, and it shall be his duty to preside at all meetings thereof.

Mayor, powers
and duties of.

SEC. 2. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of sickness, absence from the city, or other causes, the president of the common council shall be acting mayor; and in case at the same time there shall be a vacancy in the office of president of the common council,

or he shall be unable to perform the duties of his office by reason of sickness, absence from the city or other cause, the president *pro tempore* of the common council shall be acting mayor, and such acting mayor shall be vested with all the powers and shall perform all the duties of the mayor, until the [vacancy or] vacancies aforesaid be filled, or the mayor or the president of the common council, as the case may be, shall resume his office.

SEC. 3. The mayor may issue process and hear, in a summary way, any complaint against any person to whom a license of any description has been granted, in pursuance of this act, for any violation of the laws of this State or the ordinances of this [the] corporation, and may issue subpoenas and compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil cases, and on such hearing may annul such license or suspend it for a [any] certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city or other officer authorized to issue licenses, who shall serve or cause to be served a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode; and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination.

Mayor and clerk
to sign bonds,
contracts, etc.

SEC. 4. The mayor and city clerk shall execute and sign for, and on behalf of said city, all bonds, contracts, and other evidence of corporate indebtedness, except as herein otherwise provided.

City clerk, powers
and duties
of.

SEC. 5. The city clerk shall keep the corporate seal, and all papers filed in or pertaining to his office, and shall be clerk of the common council, shall attend its meetings, and shall make and preserve a written record of all its ordinances, resolutions, and other proceedings in proper books to be provided therefor, and when requested shall duly certify under the corporate seal copies thereof, and all papers filed in his office pertaining to the same. He shall be sealer of weights and measures, and shall possess and exercise the powers of township clerks, and shall perform such other duties as the common council may prescribe, by ordinance or otherwise. And within ten days after his election and qualification, and in case of a vacancy in the office of deputy clerk, by and with the consent of the common council, he shall appoint some qualified person as deputy clerk, who shall, in case of the absence or inability or death of the city clerk, perform the duties of the office of city clerk, which appointment shall be in writing, and filed in the office of the city clerk.

Treasurer.

SEC. 6. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the corporation, and every board or officer thereof, except as hereinafter provided. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof; he shall pay no money out of the treasury except on a warrant signed by the controller and countersigned by the mayor, which shall specify the purpose for which the amount thereof is to be paid, except that on the first day of

January in each year, or within ten (10) days thereafter, he shall pay over to the county treasurer the amount of all State and county taxes collected by him. He shall keep an accurate account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation; shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the controller. He shall exhibit to the common council annually, and as often and for such period as may be required, a full and detailed account of all receipts and disbursements since the date of his last annual report, and shall, when required, make reports of the condition of each fund, classifying them by the fund to which such receipts are credited, and out of which such disbursements are made; shall make a monthly detailed statement to the controller of the amount received and credited by him to each fund, and on what account received, and shall also, when required, exhibit a general statement showing the financial condition of the treasurer, which account, report, and statement shall be filed in the office of the controller.

SEC. 7. It shall be the duty of the controller to countersign all bonds which the corporation or common council is authorized to issue, pledging the faith and credit of said city, to receive all accounts and demands against the corporation, examine them in detail, file and number them as vouchers in the order of their allowance, register them, with amount allowed and the date of allowance, in the same order, in a proper book for such purpose, and report his action to the common council. When the same is ordered to be paid by the common council, if he shall have any doubt concerning their correctness, he shall register them in a separate list, and return to the common council with his objections. If the same be again allowed by the common council, in pursuance of their authority under this act, on their return to the controller, with a certificate of the clerk endorsed thereon that they have been allowed by the common council, he shall then file and register them in the list of allowed claims, in the same manner as above provided for the registering of claims audited and allowed by him, and on their being properly discharged, in writing, shall draw and sign his warrant therefor on the treasurer. It shall also be the duty of the controller to lay before the common council once in each year, in the month of April, or oftener if directed by the common council, a schedule of all accounts audited and allowed, and a full statement of the financial transactions and condition of the city. It shall also be the duty of the controller to examine the tax rolls and returns, of the officers, and take general supervision of the financial concerns of the corporation, to keep a complete set of books exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and of each fund or appropriation for any distinct object of expenditures, or class of expenditures. When any such fund or appropriation has been exhausted by warrants already

drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred, or contracted for, and to be paid out of such fund or appropriation, the controller shall advise the common council thereof, at its next meeting. It shall be the further duty of the controller to attend all sales of property for personal taxes within said city, and when, in his opinion, it shall be for the best interest of the corporation, he shall bid in the same and hold such property in trust, subject to the disposal of the council.

SEC. 8. The controller shall also open an account with the treasurer, in which he shall charge said treasurer with the whole amount of all taxes, general and special, levied in said city, and paid into the city treasury, also the whole amount in detail of all bonds, notes, mortgages, leases, rents, interest, and other moneys receivable, in order that the value and description of all personal property belonging to the corporation may at any time be known. He shall also keep a list of all the property, real, personal, and mixed, belonging to the corporation and all of its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. The controller shall also perform such other duties as are prescribed by this act, or may be prescribed by the common council. The controller shall also open accounts with the treasurer, in which he shall charge him with all moneys appropriated, raised, or received for each of the several funds of the corporation, and credit him for all the warrants drawn thereon, keeping a separate account of debit and credit for each fund, charging every warrant drawn to the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at the controller's office when each fund has been [or may be] exhausted, and what balance, if any, remains therein.

City attorney.

SEC. 9. The city attorney shall be the legal adviser of the city, and of all the boards and officers thereof, and shall appear in and conduct all suits, prosecutions, and proceedings to which the city or any board thereof is a party, and shall appear in and conduct all suits, prosecutions and proceedings in the circuit court in St. Clair county, in which the city shall be a party, and in addition perform such other duties as the common council may from time to time prescribe: *Provided*, That any case or question may be submitted to any other attorney.

Chief of police
ex officio harbor master.

SEC. 10. The chief of police shall be *ex officio* harbor master of said city, and shall have full power over the waters of the St. Clair and Black rivers within said city, and [he] shall enforce the ordinances of the city in regard thereto. He shall have power to control and regulate the anchoring of vessels and boats in said rivers, and the use of the docks and wharves along the same, and it shall be the duty of every captain, master, owner, or other person in charge of any such vessel or boat, to comply with the ordinances of the city, and to obey the instructions and directions of said harbor master, and in case of any neglect or refusal so to do, it shall be the duty of the harbor master to move said boat or vessel, and for that purpose he may employ men and tugs, and may enter upon

and take, and retain possession of said boat or vessel until the reasonable expenses so incurred by him have been paid by the master or other person having charge of said boat or vessel. And the police force of said city shall render him such assistance as may be necessary to enforce the city charter and ordinance. Any captain, master, or owner, or other person in charge of any vessel, who shall neglect or refuse to comply with the instructions and directions of the harbor master in the performance of his duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall be liable to a fine not exceeding one hundred dollars or ninety days in the county jail or House of Correction at Detroit, or both such fine and imprisonment at the discretion of the court.

SEC. 11. The city engineer shall have power and it shall be his duty to survey within or without the city, as the common council may direct. He shall keep in his office a complete record of his surveys, and shall make and keep in his office a full and complete map of the city, showing the size of all lots, the course and width of all streets, lanes, alleys, and avenues, and all other things proper to be shown on a map. He shall make out the assessment rolls for all special assessments, and shall be the official engineer and surveyor of the several offices, boards, and commissions of the city. City engineer.

SEC. 12. The city physician shall be the health officer of the corporation and shall take the place and perform the duties of such officer under the general laws of the State, except as otherwise provided in this act. City physician.

SEC. 13. The constables shall have the power and perform the duties of such township officers elected under the general laws of the State, except as otherwise provided in this act. Constables.

SEC. 14. In addition to the rights, powers, duties, and liabilities of offices prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities, subject to and consistent with this act, as the common council may deem expedient, and shall prescribe by ordinance or resolution. Additional rights, powers, duties and liabilities.

SEC. 15. The chairman, or any member of any committee or special committee, the president, or any member of any board, and any other officer authorized to conduct any inquiry or investigation under this act or the city ordinances, may issue subpoena and compel the attendance of witnesses and the production of papers, and may administer an [any] oath or take any affidavit in respect to any matter pending before them respectively, and for the purposes of this section such officer shall have and exercise the power of justices of the peace, under the laws of this State. Authorized to issue subpoenas, administer oaths, etc.

SEC. 16. The officers mentioned in this chapter shall have power to nominate, and by and with the consent of the common council, to appoint such assistants, clerks, and subordinates for the transaction of the business of their respective offices, as the common council may [shall] prescribe. Appointment of assistants, clerks, etc.

CHAPTER VII.

OF THE COMMON COUNCIL.

Common council and board of estimates.

SECTION 1. The legislative power of the city is vested in the [a] common council, to be composed of the aldermen of said city, and a board of estimates is [as] herein constituted.

Aldermen.

SEC. 2. Each ward shall be entitled to two aldermen, who shall be residents of the ward for which elected, they shall be elected by the electors of their respective wards, and shall hold office for two years. Each ward shall consist of convenient and contiguous territory, and they shall contain as nearly as may be an equal number of inhabitants. The common council shall have power to divide the city into wards, and to increase the number and define the bounds and limits thereof, but no ward containing less than one thousand five hundred inhabitants shall hereafter be organized by the common council. The aldermen of the city shall constitute the common council thereof. A majority of all the aldermen elected shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time; and upon a call of the common council by any member thereof, if supported by a majority of the members present, whether a quorum or not, the mayor or president shall have power to send any member of the police force of the city to bring the absent aldermen forthwith before said common council.

Wards.

Council composed of whom.

Quorum.

Adjournment.

In what case mayor, etc., may send police for absent aldermen.

Regular meeting of council.

Adjournment.

Place of meetings.

Special meetings.

SEC. 3. The common council shall hold regular meetings on the first Monday of each month, and such regular meetings may be adjourned from time to time, and all meetings of the common council shall be held at the council room unless they shall otherwise determine.

SEC. 4. Special meetings of the common council may be called at any time by the mayor, or if one-third of all the aldermen elected shall, in writing, request the mayor to call a special meeting, stating therein the time and objects thereof, and if he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request to the mayor may be filed with the city clerk, with the certificate of any alderman endorsed thereon, showing the presentation thereof to the mayor, and his refusal or neglect as aforesaid, and thereupon such special meeting shall be held, and the city clerk shall cause notice thereof, and of its time and place, to be served on each of the members of the common council personally, or by leaving the same at their usual place [places] of abode, and the proceedings of said meeting shall be limited to the objects thereof, as set forth in such request to the mayor. Special meetings may be adjourned from time to time, as may be deemed necessary, in order to dispose of the business which they were called to consider, and no other business shall be transacted except by unanimous consent.

Mayor

SEC. 5. The mayor shall be *ex officio* president of the common council and shall have a vote only in case of a tie, when his vote shall determine the pending question. He, or in his absence the president of the council, shall appoint such committees as the

council may direct and the duties of standing committees shall be prescribed by ordinance.

SEC. 6. The common council, at the first regular meeting after the newly elected aldermen or a majority thereof shall have entered into their offices, shall elect by ballot one of their number president, who shall serve for one year, unless he shall cease to be a member thereof; and he shall have the powers and duties prescribed by this act. Vacancies in the office of president may be filled by the common council in the same manner, and in case both the mayor and the president shall be absent at any meeting of the common council, a president *pro tempore* for that session may be elected, by ballot or otherwise.

President of the common council.

Vacancy.

SEC. 7. The city clerk shall be clerk of the common council, and in his absence, and in the absence of his deputy, a clerk *pro tempore* shall be appointed by the council. The city clerk shall keep a journal record of the proceedings, ordinances, and resolutions of the common council, which record shall be signed by the clerk and by the mayor, or president, when and after the same has been corrected and approved by the common council.

City clerk.

SEC. 8. No alderman shall vote on any question in which he is pecuniarily interested; and on all other questions, every alderman present shall vote.

Alderman, when to vote and when not.

SEC. 9. If any person shall offer, directly or indirectly, to a member of the common council, or if any member of the common council shall, directly or indirectly, accept, or agree to accept, or receive any moneys, goods, or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order, or certificate, or any security for the payment of money, or goods and chattels, or any deed of writing, containing a conveyance of land, or containing a transfer of any interest in real estate, any valuable contract in force, or any other property, or reward whatsoever, in consideration that such member of the common council will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter, pending or to be brought before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer, as aforesaid, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court.

Bribery.

Misdemeanor.

Penalty.

SEC. 10. The style of the ordinances shall be, "The common council of the city of Port Huron ordain." No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended, shall be re-enacted and published at length, and all ordinances when regularly enacted shall be immediately recorded by the clerk in a book to be called "the ordinance book," and it shall be the duty of the mayor and clerk to authenticate such record by their official signatures thereon.

Style of ordinances, etc.

Ordinances to be published, to take effect when.

Proof of publication.

Clerk's certificate.

Record prima facie evidence.

Resolutions passed by council to be presented to mayor, etc.

Mayor's approval.

Mayor's disapproval.

Two-thirds vote necessary to pass over.

No resolution, etc., imposing taxes, etc., to be passed at the same meeting it was introduced.

Two-thirds vote necessary.

Yeas and nays.

SEC. 11. All ordinances shall be published once each week for two successive weeks in the official paper of the city, and take effect at the expiration of such publication; but the council may order the same to take effect at a later date. Proof by affidavit of the due publication of such ordinance shall be filed in the office of the city clerk, and the clerk shall enter his certificate under the recorded ordinance in the ordinance book showing in what newspaper and at what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence in all courts and places of the matters therein set forth, and the record of every ordinance so recorded shall be *prima facie* evidence in all courts and places of the due passage, approval, and publication of such ordinance.

SEC. 12. Every resolution or proceeding of the common council imposing taxes or assessments, or incurring any debt or liability, and every ordinance shall forthwith after its adoption by the common council be presented by the clerk to the mayor and the clerk shall note the fact and the date of such presentation on the margin of the journal opposite the record of such resolution, proceeding, or ordinance.

SEC. 13. If the mayor approve such resolution, proceeding, or ordinance, he shall write his approval thereon with the date thereof and sign and return the same to the clerk, who shall note the fact and date of such approval on the journal, and thereupon and after due publication when required, such resolution, proceeding, [or] ordinance shall go into effect, and the signing of the journal shall not be deemed a compliance with the section. If the mayor shall not so approve such proceeding, resolution, or ordinance, he shall return the same to the common council at its next regular meeting, together with his objections thereto in writing.

SEC. 14. If the mayor shall not approve any such ordinance, resolution, or proceeding, he shall return the same to the common council at its next regular meeting after the same shall have been presented to him by the clerk, together with his objections thereto as above provided. The common council shall proceed at the same session to reconsider the vote by which the same was passed and adopted, and if, after such reconsideration, and at the same or next succeeding regular meeting two-thirds of all the members elect shall agree by yeas and noes, which shall be entered of record, to pass or adopt the same, it shall go into effect, and after due publication be signed.

SEC. 15. No resolution or proceeding of the common council imposing taxes or assessments and no ordinance shall be passed at the same meeting at which it was introduced unless by unanimous consent of the aldermen present, and no such resolution or proceeding and no ordinance shall be passed except by a two-thirds vote of the aldermen elect, and such vote shall be taken by yeas and nays, to be entered upon the record, and the yeas and nays shall be taken upon any question and entered upon the record upon the demand of one-fourth of the members present.

SEC. 16. The proceedings of the common council shall be pub-

lished in one newspaper published and circulating in the said city of Port Huron, after contract shall have been entered into with such newspaper, as provided in this act, and said newspaper shall be known as the official paper of the city.

Official paper, proceedings of the common council to be published in.

SEC. 17. The common council shall have power to preserve the purity and salubrity of the waters of the St. Clair and Black rivers; to preserve and regulate the navigation of said rivers within the limits of said city, to prevent and prohibit the depositing or keeping therein any structure, earth, or substance tending to impair or obstruct the navigation thereof, or to render the waters thereof impure or unwholesome; to remove all obstructions, that at any time occur therein; to control and regulate the construction of private wharves and docks, and to direct and regulate the stationing, anchoring, and mooring of vessels, and laying out of cargoes and ballast for the same.

St. Clair and Black rivers, council to preserve the purity of, etc.

Wharves, etc. Mooring of vessels, etc.

SEC. 18. The common council shall have power to provide for the erection of one or more bridges across the Black river in said city, and to erect, repair, and regulate public wharves and docks at the ends of streets, and may advertise for proposals, and lease to the highest bidder, such wharves and wharfing privileges, upon such terms and conditions, and may reject any and all proposals to lease, and under such covenants as the common council may direct, but no building shall be erected thereon without the consent of the council. No lease thereof shall be executed for a longer period than five years, and such lease may be canceled by the common council, and possession taken of such wharves and wharfing privileges upon breach of any of the conditions of the lease.

Bridges.

Docks, etc.

Erection of buildings.

Leases.

SEC. 19. The common council shall have power to establish, open, widen, straighten, vacate, abolish, and maintain, improve, grade, pave, gravel, plank, clay, macadamize, clean, light, and adorn the public parks, squares, spaces, streets, avenues, lanes, alleys, and all other public grounds in said city, and to control and regulate the use thereof; to prohibit and remove encroachments and obstructions thereon, and to preserve and maintain the rights of the public therein.

Parks and streets, etc.

SEC. 20. The common council shall have power to erect, lease, maintain, [and repair] a city hall, and such other buildings and offices as may be necessary for the use of the corporation, or its officers; and it may establish and maintain market-places, and may lease market booths and stands, and control and regulate the same; and may prohibit, prevent, and punish forstalling and regrating.

City hall, etc.

Market place, etc.

SEC. 21. The common council shall have power to purchase, lease, and sell real estate for the use of said city, for corporate purposes, and to execute mortgages on the same for the purchase money remaining unpaid, and it may purchase and lease real estate for the water-works of said city, and for park, cemetery, hospital, and store-house purposes, outside of the city limits.

Purchase and sale of real estate.

SEC. 22. The common council shall have power to prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building, on such streets, alleys, and places, or within such limits in said city as the common council may, from

May prohibit the erection of wooden buildings, etc.

time to time prescribe, and may prohibit and prevent the building or erection of any addition to frame or wooden buildings situated on such streets, alleys, or places, or within such limits; and for the purpose of preventing fires, may regulate and control the construction, repair, and use of all buildings and erections in said city.

Snow clearing
from sidewalks.

SEC. 23. The common council shall have power to compel the owners or occupants of lots, or parcels of land, along such streets, or within such limits as the common council may prescribe, to clear the sidewalk in front of their respective premises of snow, ice, dirt, mud, boxes, and every encumbrance and obstruction thereon.

Public peace,
etc.

Exposure of
person.
Indecent pic-
tures, etc.

Drunkenness.

Prostitutes.

Houses of ill-
fame.

SEC. 24. The common council may preserve the public peace and good order of said city; may prohibit and prevent in said city indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books, or pamphlets, and all indecent, or obscene exhibitions and shows of every kind; may prohibit and prevent drunkenness in said city; may punish common prostitutes, drunkards, vagrants, and other disorderly persons; may prohibit and prevent the keeping of houses of ill-fame or assignation, or gambling houses in said city, and may enforce within the limits of said city the criminal and penal laws of the State.

Preserving
order at docks,
depots, steam-
boats, etc.

SEC. 25. The common council shall have power to preserve quiet and order on the docks, at railroad depots, and in the streets of said city, at the arrival or departure of railroad cars, steamboats, or vessels, and may regulate and control hackmen, draymen, porters, runners, and all other solicitors for passengers or baggage, and may prescribe the place at which they shall stand, and prevent them from entering or driving within any railroad depot, or upon any wharf, or dock, or entering upon any steamboat, or vessel, to solicit passengers or luggage. It may [also] prescribe places or stands in the streets of said city within which drays, hacks, and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay, and other articles may be kept for sale, and to regulate such stands and places.

Stands for
hacks, drays,
etc.

Running at
large of horses,
cattle, etc.

SEC. 26. The common council shall have power to prohibit and prevent or regulate the leading, driving, pasturing, herding, or running at large, of cattle, horses, asses, mules, swine, sheep, goats, geese, and domestic fowls, in the streets, or elsewhere in said city, and to impound the same, when running at large or being pastured or herded in the streets, in one or more pounds, to be provided and maintained by the city, and to sell the same, after due notice, to pay the costs and expenses thereof, rendering the surplus, if any, to the owner. It may also prohibit and prevent or regulate the running at large of dogs, or require them to be muzzled, and authorize their destruction when running at large in violation of any ordinance of said city.

Pounds.

Dogs.

Preservation of
general health.

SEC. 27. The common council shall have power to provide for the preservation of the general health of the inhabitants of said city, to make regulations to secure the same, to prevent the introduction or spreading of contagious or infectious diseases, to prevent and suppress diseases generally, to establish and maintain hospitals

and pest-houses, to compel persons sick with a contagious or infectious disease to be confined and treated in such hospitals or pest-houses.

SEC. 28. The common council shall have power to prohibit, prevent, abate, and remove all nuisances in said city, and to punish the authors and maintainers thereof, and to authorize and direct the speedy or immediate abatement or removal of such nuisances by the police force or other officer of said city. If, in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level, or drain any lot or premises, it shall have power to do so, and to assess the cost and expense thereof on such lot or premises, and said assessment shall be a lien on such lot or premises until paid, and shall be collected in the same manner as other special assessments, as provided by this act.

Nuisances.

SEC. 29. The common council may prevent and regulate the ringing of bells and the blowing of steam whistles, and may provide for the prohibition and prevention of any riot, rout, or disorderly noise, disturbance, or assemblage, or the crying of any goods, chattels, or wares in the streets or elsewhere in said city, or the exhibition of fireworks and the firing of guns or cannon or any firearms dangerous to life or property. It may also prohibit and prevent racing or fast and dangerous driving or riding, and may prohibit and prevent the flying of kites and all practices, amusements and doings having a tendency to frighten teams and horses, and to regulate the speed of cars and engines on railroads within the limits of said city.

Ringling of bells, blowing of whistles, etc.

Fireworks.

Racing and fast driving.

SEC. 30. The common council shall have power to prohibit and [or] regulate bathing and swimming in St. Clair and Black rivers, and Indian creek, determine the time and place [places] thereof, and prohibit and prevent any obscene or indecent exhibition, exposure or conduct thereat; and may also license and regulate public bath-houses or bath-rooms on land, and floating bath-houses, bath-rooms, or vessels on the St. Clair or Black rivers.

Bathing and indecent exposure.

Public bath-houses.

SEC. 31. The common council shall have power to tax, license, and regulate any trade, occupation, profession, or business carried on in said city, or any corporation doing business in said city, and may regulate trade and commerce within said city.

General power to license and regulate any trade, etc.

SEC. 32. The common council may prevent and prohibit all persons from bringing in vessels, or in any other mode, to said city, from any other port or place, any pauper or persons likely to become a charge upon said city, and to punish therefor. It may also provide for the burial of deceased strangers, and poor deceased persons, and regulate the burial of the dead, and the registration of births and deaths, and to order and compel the keeping and returning of bills of mortality by physicians, sextons, and others.

May prohibit bringing paupers into the city.

Burial of deceased persons

Registration of births and deaths, etc.

SEC. 33. The common council shall have power to fix and regulate the compensation of all officers elected or appointed under or by virtue of this act, except where express provision is made herein, but the compensation of any officer fixed by any annual or periodical salary, shall not be diminished during his term of office. It may also authorize and regulate the demand and receipt by officers of

Compensation of officers.

such fees and costs, and in such cases as the council may deem reasonable, and may provide for and regulate the appointment of all officers, employes, and subordinates, and for their removal from office, and for the filling of vacancies, subject to the provisions of this act.

Appointment and removal of officers.
Violation of ordinances.
Proviso.
Persons may be confined in St. Clair county jail, etc.
May be put to work on the streets, etc.

SEC. 34. The common council shall have power to determine the punishment of all persons convicted of any violation of the ordinances of said city, by imprisonment at hard labor, or otherwise, and to impose fines, imprisonment, penalties, and forfeitures: *Provided*, That in no case shall the term of imprisonment be more than three months, or the fine, penalty, or forfeiture more than one hundred dollars. The common council may require convicted persons to give bail for good behavior. Imprisonment for the non-payment of any fine or penalty shall not exceed three months. They shall also have power to employ all persons confined for non-payment of any fine, penalty, or forfeiture, costs, or for any offense under this act, or any ordinance of the common council, in the jail of St. Clair county, or any jail, work-house, or house of correction of said city, at work or labor, either within or without the same, or upon the streets or other public works of said city, under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, or forfeiture, or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor, and also to provide sufficient and necessary means for the protection of such prisoners while they are at such work, under the supervision or authority of the common council.

Ferries.

SEC. 35. The common council may license, continue, control, and regulate as many ferries from within said city to the opposite shore of the St. Clair river, for carrying and transporting persons and property across said river, in such manner as shall be most conducive to the public good, but no ferry franchise shall be granted for a longer term than five years, and on such terms and conditions as shall be fixed by the common council. Such ferry franchise shall be leased by sealed proposals to the highest bidder.

Shade trees, shrubbery, public fountains, etc.
Driving on sidewalks.
Fastening animals standing in street.

SEC. 36. The common council shall have power to direct and regulate the planting and provide for the preservation of shade and ornamental trees and shrubbery, on the highways, streets, parks, and places of said city, and may erect and provide for the preservation of public fountains and drinking places in the parks, public places, and on the streets and public property of said city, and may prohibit persons from driving in vehicles, or otherwise, upon or across the sidewalks of said city, and may compel persons to fasten and secure their horses, cattle, and other animals, while standing or remaining in the streets, alleys, or public places in said city.

Building sidewalks.

SEC. 37. The common council shall have power to build sidewalks in said city, and to assess the expenses thereof upon the adjoining property, and may permit or compel the owners and occupants of such property to build sidewalks, and keep the same in repair. It may also compel the owners or occupants of all build-

ings in said city, to number the same, or the common council may cause such numbering to be done, and to assess the expense thereof upon said property. Numbering buildings.

SEC. 38. The common council shall have power to compel the owner of any unwholesome or nauseous house or place to cleanse the same, and may prohibit and prevent the depositing, burying, or keeping within said city, or the distance of one mile therefrom, of any putrid or unwholesome or offensive substance or thing, and may provide for the removal of the same. Cleansing, removing unwholesome places or substances.

SEC. 39. The common council may authorize the mayor or city clerk to grant, issue, and revoke licenses, and to direct the manner of issuing and registering the same, and the methods of paying the money charged therefor into the city treasury. No license shall be granted for more than one year, and the person to whom any license is granted shall, if required, before receiving the same, execute a bond to the city in such a sum as the council may prescribe, with one or more sufficient sureties, conditioned for the faithful observance of the city charter and ordinances, and otherwise conditioned as the council may prescribe. The officer issuing a license may inquire into the sufficiency of the sureties in said bond, by an examination under oath, as to their property and responsibility, which oath may be administered by the person making such examination. The deposition [depositions] of sureties shall be reduced to writing, be signed by them, and annexed to and filed with the bond to which it relates, in the office of the city controller. License by city clerk. Sufficiency of sureties.

SEC. 40. The common council shall have power by a two-thirds vote to refund taxes and assessments that have been illegally assessed or collected, and may vacate any such tax or assessment, and fix upon an amount to be received in lieu thereof, but no such action on the part of the common council shall in any way affect or invalidate any other tax or assessment assessed, levied, or collected in said city. Refunding taxes.

SEC. 41. The common council shall have power to direct and regulate the construction, repair, and cleansing of all sewers and drains, and to assess the expense of sewers upon the property benefited, as hereinafter provided in this act: *Provided*, That when a [any] sewer crosses a street the city shall pay and be assessed for its proportion of the expense, and shall thereupon have the right to connect with such sewer for the purpose of draining the street. It may also direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by the superintendent of public works, and to assess the expense thereof on the lot or premises on which the same is situated, which assessment shall be collected in the same manner as other special assessments. Constructing and repairing of sewers, etc. Provide. Cellars, private drains, privies, etc.

SEC. 42. The common council shall have power to assess, reassess, levy, and collect taxes, for the purpose of the corporation, upon all property within the city limits, made taxable by law for State purposes, and such taxes shall be a lien on the property taxed until paid. The said taxes shall be levied and collected in the same Power for assessing and collecting taxes.

Appropriation
of money for
city expenses.

manner as township taxes, and all laws in relation to township taxes not inconsistent with this act, shall apply to said city taxes, and the property taxed may be returned to the county treasurer, and sold for the non-payment of said tax, in the same manner and with like effect, as in townships under the general State laws, to appropriate money to provide for the payment of the debt and expenses of the city, and to enact all ordinances necessary to carry into effect the powers conferred upon the city.

Dangerous
buildings, walls,
etc., removal.

SEC. 43. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered; or when any building shall by neglect of the owners thereof become dilapidated and untenable, and shall have been declared a nuisance, it may order any owner or occupant of the premises on which such building, fence, or other erection stands, to repair the same or take down the same, or any part thereof, within a reasonable time to be fixed by the order, or immediately, as the case may require, or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city papers, as the common council may direct.

Auditing and
allowing ac-
counts.

SEC. 44. The common council shall audit and allow all accounts chargeable against the city or any board thereof; but no unliquidated account, claim, or contract shall be received for audit or allowance unless it is accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered to the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are included or referred to in such account or claim.

Presentation of
accounts and
filing with con-
troller.

SEC. 45. Claims or accounts contracted by any of the boards of said city, except the board of education, shall first be presented to such board, which shall file the same with the controller, together with such objections or recommendations as to its validity as the board deems expedient. It shall be a sufficient bar and answer to any action or proceeding in any court, for the collection of any demand or claim against said city, that it has never been presented to the common council or the proper board for allowance, or if on contract express or implied, that it was presented without the affidavit mentioned in the preceding section, and rejected for that reason, or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Construction of
street railways.

SEC. 46. The common council shall have the sole power to grant to corporations the exclusive right to construct street railways through the streets of said city, and to regulate and control the same: *Provided*, That no such right shall be granted for more than thirty years, and subject to the power of the council at any time to alter and amend the conditions of the grant.

Proviso—limit
of grant.

SEC. 47. The common council shall have power to establish a fire department, to provide for the extinguishment of fires, and to establish, organize, and regulate fire companies in such a manner as the council may determine to be for the best interests of the city and the fire department thereof.

SEC. 48. The police force of the city of Port Huron as now organized shall be under the control and management of a police commission hereby created; such commission shall consist of four persons, one of whom shall be appointed for one year, one for two years, one for three years, and one for four years from the first Monday in June, and annually thereafter one commissioner shall be appointed, who shall be known as police commissioner, and shall be appointed by the common council upon the recommendation of the mayor within thirty days after the passage of this act, or when there shall be a vacancy in said commission; such police commission shall be selected irrespective of politics, and not more than two of whom so appointed shall be identified with the same political party; said commissioners shall hold such office for the term of four years and until their successors are appointed and qualified; when so appointed said commissioners shall qualify by taking the same official oath as other officers of said city. Such commission shall within sixty days after the passage of this act, and on the first Monday of June in each year thereafter, appoint a chief of police, who shall be *ex-officio* marshal of said city, and perform all the duties to be performed by the marshal under the charter and ordinances of said city. Said commissioners [commission] shall have the exclusive power to appoint members of the police force, to suspend or remove the chief of police or policemen under and for such causes as shall be fixed by the ordinances and charter of said city, and said commissioners are also authorized and empowered to appoint special policemen and watchmen when they shall deem the same necessary, but the number of regular policemen and the salary and that of the chief of police shall be fixed by the common council. The chief of police, policemen, regular and extra, and watchmen who shall be appointed from time to time by said police commission shall possess and exercise the same powers as conservators of the peace which township constables exercise and possess under the general laws of this [the] State. Said commission may adopt such rules and regulations for the government, disciplining, and management of said police force and the members thereof not inconsistent with the charter and ordinances of said city as they shall deem proper. Said commissioners shall serve without compensation, and the city clerk shall be the clerk of said commission.

SEC. 49. The common council shall have [the] power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling, draining, cleansing, cleaning, and regulating any grounds, yards, basins, slips, or cellars within the said city that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within said city, and for directing the mode of constructing them in future, and to cause all such

Fire department.

Police commission.

Chief of police.

Special policemen and watchmen.

Salary.

May adopt rules and regulations for government of, etc.

No compensation. City clerk.

Filling, draining, cleansing, etc., yards, cellars, etc.

Sinks and privies.

At expense of
the city.

One assessment.

Council may
contract with
banks for depos-
its on interest.

Treasurer not
liable for de-
falcation.

Right to termi-
nate contract to
be reserved.

Treasurer's
order.

Interest.

Proviso.

work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expense thereof to be estimated, assessed, and collected, and the lands charged therewith to be sold in case of non-payment in the same manner as is provided by law with respect to other public improvements within said city. And in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expense thereof may be included in one assessment, and the several houses and lots in respect to which such expense shall have occurred shall be briefly described in the manner required by law in the assessment roll for general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvements upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

SEC. 50. The common council shall have power, by a two-thirds vote of all the aldermen elect, to enter into a contract with any bank or banks doing business in the city of Port Huron, to receive on deposit, and pay interest on any money in the city treasury belonging to the city, and to receive from [any] such bank or banks such security, by way of bond or otherwise, for the safe keeping and prompt paying over of such money, and the interest thereon, on the order of the city treasurer, as the common council may, by resolution adopted by a two-thirds vote of all the aldermen elect, demand and approve; and such contract being made and filed with the controller, and the security for the faithful performance thereof being approved by the common council and filed with the controller, and such contract and security entered and recorded at length upon the journal of the common council in the proceedings of the meeting at which the security was approved, the common council shall have power, by resolution, to direct the city treasurer to deposit with such bank or banks, all money of the city in and thereafter coming into his hands during the time fixed in such contract, and the city treasurer and his bondsmen shall not be liable for any loss the city may sustain from or by reason of any defalcation of such bank or banks. In any contract for the deposit of city funds made in pursuance of the authority herein given, the common council shall reserve the right to terminate the same, and to withdraw such deposits and remit the same to the custody of the city treasurer, at its pleasure, by a two-thirds vote of all the aldermen elect. Money so deposited shall be drawn only on the order of the city treasurer, and he shall draw the same only when he is authorized to pay the same according to the provisions of this charter, or directed by the common council to withdraw such deposits, and all interest collected shall be credited to the interest fund of the city: *Provided*, That before any contract is entered into under this section, the council shall cause notice to be published in the official paper of said city

for two weeks, of its intention to let such contract, and asking for sealed proposals for the payment of interest on and the keeping of such money, and the council shall reserve the right to reject any and all bids. And in case the city treasurer fails to deposit with such bank or banks when directed so to do in the manner aforesaid, such failure shall be a cause for his removal from office.

The right to reject all bids to be reserved.

SEC. 51. The common council shall have power to impose a tax upon all insurance companies which do business or have agencies in the city, and provide by ordinance for assessing and collecting the same, and for compelling the agents or officers of such companies, under the penalties to be therein prescribed, to make returns of the amount of premiums, under oath, annually received by their respective companies: *Provided*, That such tax shall not exceed one per cent upon the annual amount of premiums which shall have been received by such companies respectively; also, that premiums received for insurance upon property situated without the limits of the city at the date of its insurance, shall not be taxed, and the amount of said tax, when collected, shall be credited to the fire department fund of said city.

Tax upon insurance companies.

Proviso.

SEC. 52. The common council shall have [the] power to impose a tax upon all telegraph, telephone, electric light, and gas light companies doing business in said city, and provide by ordinance for assessing and collecting the same, and for compelling the agents and officers of such companies to make returns annually of the gross receipts of their respective companies: *Provided, however*, That such tax shall not exceed one-quarter of one per cent upon the gross receipts of such company.

Tax upon telegraph, telephone, electric light, and gas light companies.

Proviso.

SEC. 53. The common council shall have the control and possession, for the public use, of all the public streets, lanes, alleys, avenues, squares, and places in said city, and the city may maintain actions of ejectment therefrom, or take such other course as may be allowed by law to enforce, protect, and maintain the rights of the public therein.

Control of public streets, etc.

Ejectment.

SEC. 54. The common council may join with the township, or village of Fort Gratiot, or both, in constructing, grading, graveling, planking, paving, or repairing from time to time, any street, road, or highway leading to the city cemetery, on such terms and conditions as may be agreed upon by them with the township board or village council, or both.

Grading, etc., the road leading to the city cemetery.

SEC. 55. The common council shall have power to purchase or take private property for the public use or benefit in the following cases:

Taking private property for public use.

First, To open, extend, widen, or straighten the public highways, streets, avenues, lanes, and alleys in said city;

Second, To obtain sites for public buildings of said city;

Third, To lay out, open, and extend public squares, spaces, market grounds, and parks in said city;

Fourth, To lay through private property sewers, water pipes, and gas pipes; and the common council may also open private roads and alleys in said city.

SEC. 56. In case the common council are unable to purchase

Condemnation.

such private property on terms satisfactory to them, they may proceed to condemn and take the same in the manner provided for by the general laws of the State for taking private property for public use.

Inspection of
steam boilers.

SEC. 57. The common council shall have power to compel and regulate the inspection of all steam boilers used in said city for operating machinery or for heating purposes.

Powers of the
council.

SEC. 58. The common council shall have power to pass all ordinances necessary to carry the above and foregoing powers into effect, and in addition to the powers enumerated in this act shall have such other powers and may do such acts as shall be necessary to carry on the business of said city and govern the same.

Vacating or
leasing streets,
etc.

SEC. 59. Whenever in the opinion of the common council it will be for the good of the city, either directly or indirectly, to vacate or lease for a time any or any part of the streets, lanes, alleys, avenues, highways, parks, or public grounds of the city, the common council may by a two-thirds vote of the aldermen elect, vacate or lease for a time any or any part of the streets, lanes, alleys, avenues, highways, parks, or public grounds within the city: *Provided, however,* That such vacating or leasing shall not materially interfere with the public right to travel the same.

Proviso.

Telegraph, tele-
phone, electric
light wires, may
compel the
placing under
ground.

SEC. 60. The common council shall have full power and authority to prohibit and prevent the placing or maintaining of telegraph, telephone, or electric light wires in the streets, lanes, alleys, avenues, or public grounds of the city above the ground, and may compel the placing of the same under ground.

CHAPTER VIII.

OF THE BOARD OF ESTIMATES.

To consist of
whom.

SECTION. 1. The board of estimates shall consist of one member to be elected annually on the general city ticket, and two members from each ward, one of whom shall be elected annually, and who shall hold his office for two years, and until his successor shall be elected and qualified: *Provided,* That at the first charter election under this act, there shall be elected in each ward two (2) members of said board, one for one year and one for two years. The several provisions of this act relating to the election of the mayor and aldermen, shall be applicable, apply to, and regulate the election of the members of said board of estimates.

Qualifications.

Oath of office.

SEC. 2. All members of said board shall be electors of said city. All members of said board shall, before entering upon the discharge of their duties, take and subscribe and file in the office of the city clerk the oath of office prescribed by this act. No member of said board shall receive any compensation for his services. The controller, chairman of the committee of ways and means of the council, and the chairman of the committee of [on] finance of the board of education, shall be, *ex officio*, members of the board of estimates, but shall not have the right to vote.

Compensation.

Ex officio mem-
bers of the
board.

Annual meet-
ing.

SEC. 3. A meeting of said board shall be held annually on the fourth Monday of May, at ten o'clock in the forenoon, at the

common council chamber, and at such other time as the common council may, by ordinance or resolution, prescribe. Said board shall elect one of its members president thereof, who shall preside at all meetings of the board and shall hold his office until the next election of new members, and if he is absent or incapacitated from performing his duties, the board may elect a president *pro tempore*. The city clerk shall be secretary of said board, and shall keep a record of its proceedings, and if he is absent or incapacitated from performing his duties, the board may appoint a secretary *pro tempore*. The board may adjourn from time to time, but the meeting which shall be held in each year to consider the estimates for the general and annual taxes for city purposes shall not be adjourned to a time subsequent to the fifteenth day of June.

President.

Secretary.

Adjournments.

SEC. 4. Before any money shall be raised or taxes levied and collected, for the purposes of the several funds mentioned in this act, except in interest and sinking funds, the estimates of the common council and of the board of education, of the amount of moneys required for such funds or purposes, shall be submitted to said board of estimates for approval, and before any bonds or other evidence of indebtedness shall be issued by the city, or any board thereof, said issue shall be authorized by said board of estimates. The estimates for the general city taxes shall be acted upon by the common council as provided by this act, and shall be submitted to the board of estimates on the fourth Monday in May, to be considered by the board and reported back to the common council on or before the fifteenth day of June. Said board shall carefully consider all estimates hereby required by this act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same, and may authorize, subject to the provisions of this act, the issue of bonds by said city or the boards thereof. A majority of all the members elect of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or to authorize the issue of any bond.

What estimates to be submitted to board.

City indebtedness must be authorized by board.

General tax, estimates, action on by council and submitted to board.

Approval of estimates.

Majority necessary to approve.

SEC. 5. All votes in said board, approving or disapproving of any estimate, or decreasing the amount thereof, or authorizing or disapproving of the issue of bonds, shall be taken by yeas and nays, and entered upon the record of its proceedings. After said board shall have considered the matters required to be submitted to it, it shall cause a statement of the amounts so approved by it to be raised by taxation or issue of bonds and the fund or purpose for which raised to be made, which statement being adopted by a majority of all the members elect of the board, shall be then signed by the president and secretary of the board, and shall be transmitted to the common council, and only so much of such estimates or amounts to be raised by taxation as shall have been approved by said board shall be raised and collected in said city, and only such bonds shall be issued as shall be authorized by said [board] as herein provided.

Votes by yeas and nays and entered on record.

Statement of amounts approved, etc.

To be transmitted to council.

SEC. 6. The common council of said city, upon the approval of such estimates or any part thereof by said board, shall cause to be levied by the controller, and collected by tax, the amount thereof so

Estimates to be levied by controller and collected by tax.

Board may call for reports or information.

May inspect official books and papers.

The board as heretofore organized shall cease to exist.

approved, and may issue any bonds so authorized to be issued by said board as aforesaid. The board of estimates shall have the right to call upon the common council, or upon any officers or boards of the city, for further reports or for any information which it may require for the purpose of estimating any amount to be raised, or in reference to any other matter pending before said board. It shall also have the right to inspect the official books and papers of said officers or boards.

SEC. 7. The board of estimates, as heretofore organized, shall cease to exist upon the election and qualification of a board pursuant to this act.

CHAPTER IX.

OF THE BOARD OF EDUCATION.

City shall be one school district.

Board to have management of schools, etc.
Public library.

Election of school inspectors.

The board of education of the city of Port Huron.

SECTION 1. The city of Port Huron shall be considered as one school district, and hereafter all schools organized therein pursuant to this act shall, under the direction and regulation of the board of education, be public and free to all children within the limits thereof, between the ages of five and twenty years, inclusive. The said board shall have the control and management of such schools, and of the district library, which shall be known as the public library of the city of Port Huron.

SEC. 2. There shall be elected by the common council, at its first regular meeting in May, after the passage of this act, or at such time as such meeting shall be adjourned to, in addition to those now in office, a sufficient number of school inspectors to make the whole number two from each ward, distributed equally, as near as may be. They shall be residents of the wards from which they are elected in said city. Their terms of office shall be so arranged that one-fourth of their number shall go out of office each year, and annually thereafter the council shall elect a sufficient number of school inspectors to fill the places of those whose terms of office shall expire. Said inspectors shall hold their office for the term of four years, and until their successors are elected and qualified; but in no case shall a school inspector be a member of the common council.

SEC. 3. The school inspectors, together with the mayor, who is declared to be *ex officio* school inspector, shall be a body corporate by the name of "The Board of Education of the City of Port Huron," and in that name shall be capable of suing and being sued, and of purchasing, holding, selling, and conveying real and personal property, as the interest of said public school may require, subject to the provisions of this act, and shall also succeed to, and be entitled to demand, collect, and receive all moneys and other rights belonging to, or in possession of the board of education, or any member thereof, any or all real or personal property, or other rights in any way belonging to or pertaining to the schools of said city, and the clear proceeds of all such property which may come into the possession of said board, as last aforesaid, shall be expended by and disbursed under the authority of said board of education, for the support of said schools.

SEC. 4. A majority of all the members of said board shall constitute a quorum, and said board may meet, from time to time, at the place hereinafter designated. The regular meeting of said board shall be held once in each and every month, at such time as shall be designated by the rules and regulations of the board. They may elect any one of their [own] number president, and in his absence may choose one of their number president *pro tempore*.

Quorum.

Regular meeting once a month.

President.

SEC. 5. No school inspector shall receive compensation for his services, and any person chosen school inspector, who shall neglect or refuse to serve, or who shall remove out of the ward from which he was appointed, shall be deemed to have resigned, and the common council shall fill the vacancy caused thereby.

Compensation.

Vacancy.

SEC. 6. The said board of education shall make all needful rules and regulations relative to its proceedings. Said board shall also have full power and authority to erect or purchase school-houses, by and with the consent of the board of estimates; also, to apply for and receive from the proper officers all moneys appropriated for primary schools and libraries in said city, to make by-laws relative to taking the census of all children in said city between the ages of five and twenty years, relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools shall be kept, which shall be not less than three months in each year; relative to the examination and employment of teachers, their powers and duties; relative to the regulations of schools, and the books to be used therein; relative to the appointment of the necessary officers, and prescribe their powers and duties; and relative to anything whatever that may advance the interests of education, the good government and prosperity of public schools in said city, and the welfare of the public concerning the same, not inconsistent with this act. Said board shall also have authority to establish a high school in said city, and also to appoint a superintendent of the public schools, under the charge and direction of said board, with such salary and with such powers and duties as shall be prescribed or determined by such board of education.

General powers of board as to schools, etc.

High school.

Superintendent of public schools.

SEC. 7. The board of education shall, on or before the second Monday in April, in each year, deliver to the city controller a statement, showing the amount of money necessary to carry on the schools under the charge of [the] said board, which estimate shall include all the ordinary expenses of running said schools and caring for the school-houses, buildings and other property belonging to the board and interest on money borrowed by the board, and all sums coming due during the ensuing year, which amount the controller shall cause to be spread upon the tax roll of said city, for the ensuing year, to be collected the same as other city taxes; the said board of education shall with the statement aforesaid, deliver to the controller, to be by him submitted to the board of estimates of said city at the same time that the estimate of the common council for other city taxes are submitted to said board of estimates,

Statement of money necessary to carry on schools to be delivered to controller.

Statement of money required for other than ordinary expenses.

When approved by the board of estimates to be spread upon the roll, etc.	a statement showing the amount of money required by said board during the ensuing year, for all other purposes than the ordinary expenses of said school, which statement shall show for what the money is to be expended; and in case the board of estimates consent to the raising of the sum so recommended, the controller shall cause so much of the same to be spread upon the tax roll of said city for each year thereafter with the other taxes, as may be approved by said board of estimates, and the same shall be collected in the same manner as other city taxes. The board of education is hereby authorized to borrow money, in anticipation of the revenues to be derived from sums so authorized to be levied the current fiscal year, as provided by this act; but no evidence of indebtedness, issued under the provisions of this section, shall be for a longer period than nine months, or at a greater interest than seven per cent per annum.
Authorized to borrow money and issue bonds.	
Limit of time and interest.	
Property pledged for payment of bonds.	SEC. 8. The faith and property of said board, and also the faith and property of the city of Port Huron, shall be, and remain pledged for the full payment of all bonds heretofore and that may hereafter be issued, and all moneys borrowed by the authority of said board, or by authority of this act.
Duty to appropriate money annually to pay interest.	SEC. 9. It shall be the duty of the board of education, whenever they shall borrow any money, under the provisions of this act, annually to appropriate a sufficient sum out of any money which may come into their hands, to pay the interest on [upon] the same.
Yearly assessment of tax.	SEC. 10. The common council of said city are hereby authorized and directed, once in each year, to assess and levy a tax on all real and personal property of said city, after the same has been authorized as aforesaid, according to the city assessment roll for that year, which shall not exceed four and a half dollars for every child in said city between the ages of five and twenty years, the number of children to be ascertained by the last report on the subject, on file in the office of the clerk of the county of St. Clair, or in the office of the secretary of said board of education, and certified by the president thereof, and the said tax shall be collected in the same manner as the moneys raised to defray the expenses of said city.
Limit.	
Collection.	
Disbursement.	All such moneys shall be disbursed by authority of said board for the maintenance and support of said schools and for no other purpose.
City treasurer, treasurer of board.	SEC. 11. The treasurer of said city shall be the treasurer of said board. He shall keep all moneys belonging to said board separate from the money belonging to the corporation of said city, and he shall not pay out or expend said money except upon warrants of the board. The board of education shall have power, by a two-thirds vote of all the inspectors elect, to enter into [a] contract with any bank or banks doing business in the city of Port Huron, to receive on deposit and pay interest on any money in the city treasury belonging to the board, and to receive from any such bank or banks such security, by way of bond for the safe keeping and prompt paying over of such moneys and the interest thereon, on the order of the treasurer, as the board of education may, by resolution, adopt by a two-thirds vote of all the inspectors elect, demand and approve, and such contract being made and filed with the city
Depositing money in bank.	

controller and the security for the faithful performance thereof being approved by the board and filed with the city controller, and such contract and security entered and recorded at length upon the journal of the board in the proceedings of the meeting, at which the security was approved. The board shall have power by resolution to direct its treasurer to deposit with such bank or banks all money of the board in and thereafter coming into his hands during the time fixed in such contract, and the treasurer and his bondsmen shall not be liable for any loss the board may sustain, or by reason of any defalcation of such bank or banks in any contract for the deposit of the funds of the board made in pursuance of the authority herein given. The board of education shall reserve the right to determine the same and to withdraw such deposits and remit the same to the custody of its treasurer, at its pleasure, by a two-thirds vote of all the inspectors elect. Money so deposited shall be drawn only on the order of the treasurer, and he shall draw the same only when he is authorized to pay the same, according to the provisions of this charter, or directed by the board to withdraw such deposit in the manner above provided: *Provided*, That before said board shall enter into any contract under this section, the clerk thereof, by publication for two weeks in the official paper of said city, shall advertise for sealed proposals for the keeping of such money and payment of interest thereon, which proposals shall be opened by said clerk at the next regular meeting of said board. All interest received on such contract shall be credited to the interest fund of the board of education.

Contract for depositing to be filed with controller.

Deposit by treasurer.

Money deposited, how drawn.

Provided.

Interest to be credited to interest fund, etc.

Treasurer and controller to give bonds.

SEC. 12. The treasurers and controller shall, before they enter upon their duties under this charter, enter into such bonds to the board of education, and with such sureties as may be decided by said board, conditioned for the faithful performance of their duties respectively.

SEC. 13. The office of school inspector shall be deemed vacant in case of the death or removal from the ward of the inspector elected, and in case of refusal or neglect to attend as such inspector for three regular meetings in succession, unless such neglect to attend is excused to the satisfaction of the board.

Vacancy in office of school inspector.

SEC. 14. The board of education may, with the consent of the board of estimates, sell or dispose of any [of the] real estate of said board, and the board may, whenever necessary for the interests of the schools, dispose of any of the personal property belonging to said board, and the money realized therefrom shall be used for school purposes, and no other.

Sale, etc., of real estate and personal property.

SEC. 15. The children of non-residents of the city, and persons over the age of twenty (20) years, may be permitted to attend the public schools upon paying such tuition and complying with such rules and regulations as may be prescribed by the board of education: *Provided*, That no such children or persons shall be permitted to attend the public schools to the exclusion of resident children.

Children of non-residents permitted to attend school on paying tuition.

Provided.

SEC. 16. The board shall have power, subject to the approval of the common council, to agree with all persons interested in private

Taking or using private property.

property as to the compensation to be paid for taking or using the same for the public use or benefit by said board, and in case no agreement can be entered into the board shall report the fact to the common council, together with a description of the property necessary to be taken, and the purpose for which it is to be used, and thereupon the common council may direct the city attorney to institute the necessary proceedings in the circuit court of St. Clair county to condemn said property as provided in this act.

Regular and special meetings, where and when held.

Adjournment.

Clerk of board, duties of.

Duty of controller.

Clerk pro tempore.

SEC. 17. The board of education shall hold regular monthly sessions at such times as they shall by resolution determine, which meetings shall be held at the common council rooms in said city, and they may adjourn regular sessions, from time to time, as may be deemed expedient, and may hold special meetings when necessary.

SEC. 18. The city clerk shall be clerk of the board of education, shall keep a complete record of all the proceedings of the board in his office. It shall be his duty to keep a correct account of all the expenditures of said board, and he shall on the day following a meeting of the board deliver to the city controller a list of claims audited and ordered paid, at such meeting, and the controller shall therefor draw his warrant on the treasurer for the amount, which warrant shall be countersigned by the mayor, and in the absence of the clerk, at any of the meetings of the board they may appoint a clerk *pro tempore*.

CHAPTER X.

OF THE BOARD OF WATER COMMISSIONERS.

Board of water commissioners, appointment, qualification, oath of office.

Time of appointment and term of office.

Vacancies.

By-laws, appointment of officers, duties and salary of.

Construction and repairing of water-works. Of reservoirs, buildings, machinery, etc.

SECTION 1. The common council shall appoint a board of water commissioners composed of three persons, who shall be qualified electors of said city. The members comprising such board shall take the oath of office prescribed for city officers, within ten days from the date of their appointment.

SEC. 2. Every two years, at the regular meeting of the common council, held on the first Monday of May, the said council shall appoint one commissioner to serve for the period of six years, and until his successor is appointed and qualified in the place of the one whose term of office shall then expire. Vacancies occurring in said board, by removal from said city, resignation, or otherwise, shall be filled for the unexpired term, as herein provided.

SEC. 3. Said board of water commissioners shall have power to make and adopt all such by-laws, rules, and regulations as they may deem necessary and expedient for the conduct of its business, and for the interests of the water-works of said city, and appoint such officers as may be necessary for the proper running of the water-works in said city, and prescribe and define the duties and salaries [salary] of the same. The board shall control, regulate, and supervise the construction and repairing of the water-works of said city.

SEC. 4. The said board shall have power, subject to the provisions of this act, to construct, repair, and maintain reservoirs, buildings, machinery, jets, and fountains, at such localities in said city, or without said city, as the common council shall deem expedient and

direct, and to lay and repair water mains and pipes in and through all [the] streets, alleys, and public places in said city, for the purpose of furnishing a full supply of water for public and private use in said city, and control, regulate, and supervise the same.

SEC. 5. The construction and repairing of the water-works of said city, or any work connected therewith, and the construction and repairing of mains and pipes, except ordinary repairs, shall be done by said board by letting a contract therefor, or in such other manner as may be approved by the common council.

Work to be done by contract.

SEC. 6. All work done under the supervision of the [said] board, shall be reported to the common council monthly, and no money shall be paid out of the treasury, on account of any work so done, until the common council shall have instructed the controller to draw his warrant therefor. It shall be the duty of the board to make a report to the common council, in the month of April in each year, which report shall embrace the expenditures of the different branches and departments of work under the control of the board, and a statement of the condition, progress, and operation of said water-works.

To be reported to council monthly.

Annual report.

SEC. 7. The said board shall fix and assess the water rates to be paid for having and using water from said works. Said rates shall be based as near as may be upon the water consumed and used by the owner or occupant of each house, building, or lot using water. Such water rates shall be a continuing lien until paid upon the lots, real estate and premises on which the water is used and the rates assessed.

Water rates.

SEC. 8. The owner or occupants of the lot or premises against which such water rates shall be assessed shall pay the same at the office of said board in advance, on the first days of January and July in each year, and in case of any default in such payment, and within thirty days from the day the same shall become due and payable, the said board may collect the same by a suit at law before any court of competent jurisdiction, together with the costs and expenses of said suit, and may shut off the water until the same is paid, said suit to be brought in the name of the city of Port Huron: *Provided*, That any attempt to collect said rates by any process above mentioned shall not invalidate the lien upon said lots or premises.

Payment and collection of.

Proviso.

SEC. 9. If such rates or any portion thereof shall not be paid at or before the expiration of ninety (90) days from and after the time when they are due and payable, the board of water commissioners may report such fact to the common council, giving the description of each lot or part of a lot on which such rate is not paid, and the name of the owner or occupant, and the amount unpaid of rates and additions thereto, and thereupon the common council may proceed as provided in chapter nineteen (19) of this act and cause such lots and premises to be leased, and [all] the provisions of said chapter nineteen so far as applicable shall govern herein.

Report of non-payment of water rates.

Leasing of lots, etc.

SEC. 10. It shall be the duty of the [said] board to monthly pay into the city treasury, to the credit of the water fund, all moneys

Water rates, etc., to be paid monthly.

Statement to be received by it for water rates, or from any other source, and to file
 filed with the a detailed statement thereof with the city controller, and the said
 controller. board shall make such reports and furnish such information to the
 Report, etc. common council as that body shall, by resolution or ordinance,
 prescribe.

Taking private SEC. 11. The board, and its agents and servants, may enter upon
 property for public use. any public or private land or water, either within or without said
 city, for the purpose of making all necessary surveys, and for
 maintaining their pipes, aqueducts, and other works, or of doing
 any other act necessary to carry into effect the purposes of this
 chapter. The board may agree with all persons interested in pri-
 vate property, as to the compensation to be paid for taking or using
 the same for [the] public use or benefit by said board. In case no
 agreement can be entered into, the board shall report the facts to
 the common council, together with a description of the property
 necessary to be taken, and the purposes for which it is to be used,
 and thereupon the common council may direct the city attorney to
 institute the necessary proceedings in the circuit court of St. Clair
 county, to condemn said property as hereinafter provided in this
 act.

Extension of pipes, aqueducts, etc., out- SEC. 12. The board shall have power to extend their distributing
 side the city limits. pipes, aqueducts, and mains and erect hydrants without the limits
 of said city, and to regulate, protect, and control such portions of
 their works and the water supply therefrom in the same manner
 that they may regulate, protect, and control their works and water
 supply within the said city. The board of water commissioners are
 also hereby authorized to enter into and make arrangements with
 any person or parties who may put down mains, pipes, and
 hydrants for supplying such mains; pipes, and hydrants with water
 from the works, mains, and pipes under their control, at such rates
 and prices and upon such terms and conditions as may be mutually
 agreed: *Provided*, That all such distributing pipes through which
 any water shall be supplied by said water board shall be subject to
 the rules, regulations, and control of the board and form part of its
 system of distributing pipes. They shall also have such other and
 further powers and rights not herein granted as are given to water
 boards by the general laws of the State and as are not inconsistent
 with the powers and rights herein granted.

Penalty for in- SEC. 13. If any person shall willfully do or cause to be done any
 jury to property act whereby any work, material [materials,] or property whatsoever
 or for willfully erected or used within or without the city of Port Huron, by the com-
 polluting water. missioners or by any person acting under their authority, for the
 purpose of procuring or keeping any supply of water, shall be injured
 or shall willfully throw or place or cause to be thrown or placed
 any carcass of any dead animal or person, or any other deleterious
 or filthy substance whatever, in any reservoir, pipe, or aqueduct
 of said water-works through which water for public or private use
 is conveyed, or shall throw or place or cause to be thrown or placed
 any such carcass, deleterious or filthy substance into the St. Clair
 river or Lake Huron, within a distance of six miles above any inlet
 pipe extending into said river and through which said supply of

water or any part thereof is received, or do or cause to be done any other act to willfully pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the [county] jail or in the Detroit House of Correction for a period not exceeding three months, or both, at the discretion of the court before which the case is tried. The commissioners may erect notices of so much of this section as relates to the reservoirs and the St. Clair river and Lake Huron, at conspicuous points on such reservoirs and along the American shore of said river and lake, within the distance above mentioned, and for this purpose they or their agents shall have the right to enter upon private property.

Notices to be erected, how and when.

May enter upon property.

SEC. 14. If any person shall, without the authority of the commissioners or their proper agents, perforate, or bore, or cause to be perforated, or bored, any distributing pipe, main, or aqueduct, belonging to said water-works, or cause to be made any connection or communication with said pipes, aqueduct or logs, or meddle with or move the same, or any machinery, apparatus, or fixture of the board, or turn on the water when the same shall be shut off by order or rules and regulations of the board of water commissioners, or take down or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail or in the Detroit House of Correction, until such fine shall be paid, not exceeding three months. Any person who shall willfully break or cut an inlet pipe, main distributing pipe, log, or aqueduct, used by the commissioners for conducting said [water] or shall dig into or break up any reservoir, filled, or partially filled, with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith belonging to said water-works, or cause any of said acts to be done, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding one thousand dollars, and imprisonment in the county jail or the house of correction of the city of Detroit not more than one year.

Penalty for boring or perforating pipes, aqueducts, etc.

Breaking or cutting inlet pipes, etc.

Penalty.

SEC. 15. Said board shall hold regular monthly meetings, and special meetings when necessary; and the action of said board in fixing water rates, in fixing salaries, in constructing reservoirs, buildings, machinery, jets, and fountains, in the purchase of real estate and in the extension of mains and pipes shall be subject to the approval of the common council, and shall not be valid without such approval; and the board shall also be subject to such ordinances as may be adopted by the common council, and any member of said [board] may be removed by the common council by a two-thirds vote of the aldermen elect, for cause, after charges, notice and trial.

Regular and special meetings.

Action of board, in what cases to be approved by council.

Removal from office.

SEC. 16. The secretary of said board, and other officers and employes receiving money and having the charge or control of property shall give bonds running to "the city of Port Huron," in such amount as may be fixed by the said board, and conditioned

Bond and oath of the secretary and other officers of the board.

according to section five of chapter four of this act, and shall take the constitutional oath of office before entering upon the duties of their office or employment, and such bond shall be renewed yearly or oftener as may be required by said board.

CHAPTER XI.

OF PUBLIC HEALTH.

Board of health. SECTION 1. The common council of said city shall appoint a board of health for said city, to consist of two persons and a competent physician to be the health officer thereof.

Powers and duties of. SEC. 2. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine for that purpose every person coming from any place infected or believed to be infected with such a disease; to establish, maintain, and regulate a pest-house or a hospital at some place within the city, or not exceeding three miles beyond its limits or bounds; to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, who shall be infected with any such disease, to be sent to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such person is necessary for the preservation of the public health; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in a manner they may deem expedient, and from time to time to do all acts, make all regulations, and recommend to the common council to pass such ordinances as they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Captain, etc., of steamboats, duties and liabilities of. SEC. 3. The captain, master, or person in charge of any steamboat, or other craft or vessel which shall enter the city, having on board thereof any person sick of any malignant fever or other pestilential or infectious disease, shall be guilty of a misdemeanor punishable by fine or imprisonment, unless the person so diseased become so on the way and could not be left. It shall be the duty

To report to the mayor. of such captain, master, or person in charge, within two hours after his arrival, to report in writing to the mayor or some health officer, the fact of such sick person being on board, and the name, description, and location of his craft, and he shall not permit such sick person to land or be landed until the board of health, or some member thereof, shall give permission for that purpose; and any neglect or violation of these provisions, or any or either of them, shall be a misdemeanor punishable with fine and imprisonment.

Misdemeanor. Penalty.

Driver of coach, etc., prohibited from entering city, etc. SEC. 4. The owner, driver, conductor, or person in charge of any stage coach, railroad car, or other public conveyance which shall enter the city, having on board any person sick of a malignant fever, or pestilential or infectious disease, shall within two hours after the arrival of such sick person report in writing the fact with

the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor punishable with fine or imprisonment, or both. Misdemeanor.
Penalty.

SEC. 5. Any person who shall knowingly bring, or procure, or cause to be brought into the city, any person sick of, or any property of any kind tainted or infected with any malignant fever, or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine, not exceeding one hundred dollars or imprisonment not exceeding ninety days in the county jail or Detroit House of Correction, or both, at the discretion of the court. Bringing into
city sick persons
or infected
property.

SEC. 6. The board of health shall have power by an order in writing for that purpose, to be served on the captain, master, or person in charge of any steamboat, or other vessel, or craft, or any owner or consignee thereof, if such boat, craft, or vessel be by them suspected to have on board any infected or diseased person or property, to require such boat or vessel not to enter the city, or to remove some certain distance not exceeding three miles from the city, and every such captain, master, or person in charge, consignee, or owner, who shall be served with such order, shall be guilty of a misdemeanor, or punishable with fine or imprisonment, or both, if such boat, vessel, or craft shall enter the city in violation of such order, or shall not be removed, according to the tenor of such order, within a reasonable time, not exceeding three hours after the serving of such notice. Power of board
of health as to
steamboats, etc.

SEC. 7. Every keeper of an inn or boarding house, or lodging house, in the city, who shall have in his or her house at any time any person, traveler, boatman, or sailor, sick with any infectious or pestilential disease, shall report the fact and the name of the person in writing, within six hours after he came to the house, or was taken sick therein, to the mayor, or some officer or member of the board of health. Every physician in the city shall report under his hand to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick with any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor punishable by fine or imprisonment, or both, the fine not to exceed one hundred dollars, nor the imprisonment three months. Duties and liabilities of keepers of hotels and boarding houses.

SEC. 8. All the fines imposed under the last five sections shall belong to the city, and when collected shall be paid into the city treasury and credited to the general fund. Duty of physician to report.

SEC. 9. The city clerk shall be clerk of said board and shall keep a correct record of its proceedings. Fines to be paid into the city treasury.

SEC. 10. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general or contingent fund of said city. City clerk, clerk of board, duties of.

SEC. 11. The board of health shall hold regular meetings on the last Monday of each month, and special meetings at the call of the health officer. Compensation of member of board.

Regular and special meetings.

General laws
not inconsistent
herewith to
apply to.

SEC. 12. The general laws of this State relating to the public health, so far as they are not inconsistent herewith, and the laws of the United States shall apply to and govern the said board of health and the city of Port Huron.

CHAPTER XII.

OF CEMETERIES.

City may ac-
quire and hold.

SECTION 1. The city of Port Huron may acquire, hold, and own such cemetery or public burial place, or places, either within or without the limits of the corporation, as, in the opinion of the council, shall be necessary for the public welfare, and suitable for the convenience of the inhabitants; and may receive any gift or grant that may be made for, or on account of such burial place or places; and may prohibit the interment of the dead within the city, or may limit such interment therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Regulations for
burial.

Appropriation
for purchase,
etc.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

Board of trustees.

SEC. 3. The council shall appoint five trustees, who shall be electors in the city, and who shall constitute the board of trustees of cemeteries; any three of them shall constitute a quorum for the transaction of business. The trustees shall hold their office for the term of five years, from the first Monday in May of the year when appointed, and annually thereafter, said council shall appoint one trustee, who shall hold for the term of five years. The council may remove any trustee so appointed, for inattention to his duties required of him, or other good cause. Said board shall serve without compensation.

Term of office.

Removals.

Chairman.

Clerk.

Council to invest board with
necessary
power.

SEC. 4. Said board shall appoint one of their number chairman, and the city clerk shall be clerk of the board, and the council shall, by ordinance, invest the board with such power and authority as may be necessary for the care, management, and preservation of such cemetery grounds, the tombs and monuments therein, and the appurtenances thereof.

Who to have
the care and
management
of cemetery.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place, or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues, and walks, the lots to be numbered, and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots and make the sale thereof. The conveyance of such lots shall be executed in behalf of the city, by the city clerk, and be recorded in his office, without expense to the purchaser.

Price and sale
of lots.
Record of conveyance.

SEC. 6. Said board shall appoint the necessary superintendents

and employés for the cemetery, expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city, and the laws of the State.

Appointment of superintendent, etc.

Other powers and duties of board.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose except for the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Cemetery fund.

Board to report to council, to contain what, and to be verified.

SEC. 8. The council of the city owning a public burying ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein and to control and regulate such cemetery or burial place, and the improvement thereof and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

General authority of council over cemetery.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the protection of any cemetery or burial place, within the city, belonging to or under the control of any church, religious society corporation, [company,] or association, and for the protection of the tombs, monuments, and improvements thereof and the appurtenances thereto.

Power to protect church cemeteries.

SEC. 10. Whenever the trustees propose to expend any money or incur any liability for the improvement, care, protection, or adornment of any of the city cemeteries they shall submit to the common council an estimate of the amount needed for such purpose, specifying the purpose, and shall not expend any money or incur any liability in excess of the amount approved by the common council, nor for any other purpose than that specified.

Estimates of the proposed improvements to be submitted to council.

CHAPTER XIII.

OF THE SUPERINTENDENT OF PUBLIC WORKS.

SECTION 1. The superintendent of public works shall devote his entire time to the performance of his official duties. The common council may appoint clerks, surveyors, inspectors, and subordinates for the transaction of the business connected with the public works of this city.

To devote entire time to official duties.

Who to superintend the construction of public works, etc.

Power to suspend work.

Report.

Supervision of walks, cellars, vaults, etc.

Grades.

Record.

Powers and duties as the council shall direct.

Proposed public improvements to be referred to superintendent.

To advertise for proposals when.

To report to council.
Shall not make contract without consent of council.
Supervision and estimates of public works, etc.

SEC. 2. The superintendent of public works shall supervise the construction and repairing of the sewers of said city, the grading, paving, and improvements of the highways, streets, alleys, public parks and places of said city, the construction, altering, and repairing of public wharves, docks, bridges, culverts, lamp-posts, and receiving basins in said city, and the erection, construction, and repairing of all public buildings and other public works and improvements in the said city. The superintendent may suspend work upon any building or improvement when the same is not being done according to contract until the next meeting of the common council; but this clause shall not be construed to give the superintendent any right to interfere with, or change the plans or specifications of, such buildings or works. The superintendent shall report at the next meeting of the common council held after he shall have suspended work on any public work in said city, all the circumstances connected therewith.

SEC. 3. The superintendent shall supervise the laying down of all sidewalks, the construction of all cellars and vaults under any portion of the streets of said city, and shall have charge and control of the street cleaning, repairs of paving, and the building and repairs of cross-walks in said city. The superintendent shall establish the grades of all the streets, avenues, lanes, highways, and alleys in said city, subject to the approval of the common council, and a record of such grades shall be made and kept in the superintendent's office in a book to be provided by the council for that purpose, and said superintendent shall have power to issue permits for the use of the highways for building purposes, and under such regulations and conditions as the council may prescribe. Said superintendent shall also exercise such other powers and perform such other duties as the common council shall from time to time direct.

SEC. 4. Whenever any such public building, work, or improvement is proposed, the common council shall, before proceeding with the same, refer the matter to the superintendent of public works, and said superintendent shall proceed to examine the same, and to report thereon to the council, giving estimates of the cost of such building, work, or improvement, together with plans and specifications therefor when needed, and he shall make such recommendations in regard thereto as he shall deem expedient. When directed by the common council, the superintendent of public works shall advertise for proposals for the construction of the same, as required by this act. All proposals shall be reported by him to the common council for approval or rejection, and he shall not enter into any contract without the consent of the council.

SEC. 5. All the repairing, street cleaning, or grading, the building of cross-walks, and any other public work or improvement shall be done under the supervision of the superintendent of public works, and before any street pavement shall be repaired the superintendent shall make an estimate of the amount of repairs necessary, and if the number of square yards to be repaired in any one year shall exceed ten per cent of the total number of square yards

in any given block, the expense of such repairs shall be levied and collected by special assessment, as hereinafter provided.

SEC. 6. All work done under the supervision of said superintendent shall be reported to the common council at every regular meeting of the same, and no money shall be paid out of the treasury on account of any work so done until the common council shall have instructed the controller to draw his warrant therefor. It shall be the duty of the superintendent to make report to the common council in the month of April in each year, which report shall embrace the expenditures of the different branches and departments of work under the control of the superintendent, and a statement of the condition, progress, and operation of the works.

Works to be reported to council.

Annual report.

SEC. 7. The superintendent shall classify or divide the various works or interests under his control into departments, and keep an accurate account of the costs of each branch, showing the amounts expended for original improvements of construction, and the amounts for repairs, superintendence, and other expenditures.

Classification of works.

SEC. 8. In supervising the construction of any public building or work for the use of any other board of the city, the superintendent of public works shall not have power, without the consent of such other board, to contract any debt or incur any liability chargeable to the fund raised for the purpose of the board so interested in such building or work.

Superintendent prohibited from contracting debts chargeable to other boards.

SEC. 9. The superintendent of public works shall at all times, and as to each and every of his duties and powers [powers and duties], be subject to the control of the common council and such of its committees as the common council may give charge of matters under his control.

Subject to control of council.

CHAPTER XIV.

OF JUSTICE COURT.

SECTION 1. At the general charter election held in April, eighteen hundred and eighty-six, and every fourth year thereafter, there shall be elected in said city one justice of the peace, whose term of office shall commence on the fourth day of July, following his election, and continue for four years, and until his successor shall be elected and qualified, and he shall be elected on a general city ticket, in the manner herein provided for the election of other city officers, and none but attorneys at law, duly admitted to practice in the supreme court of this State, and of at least two years' good standing, shall be eligible to the said office of justice of the peace in said city.

Justice of the peace, when to be elected.

Must be an attorney.

SEC. 2. Said justice of the peace shall have the exclusive jurisdiction to hear, try, and determine all charges for offenses and misdemeanors alleged to have been committed within the city, and which, by the general laws of the State, are within the jurisdiction of justices of the peace. He shall also have the exclusive jurisdiction to hear and examine all charges for crimes alleged to have been committed within the city of Port Huron, and which, by the general laws of the State, are examinable by and before justices of the peace, and to hold to bail or commit for trial in the circuit

Jurisdiction.

	<p>court for St. Clair county. He shall also have concurrent jurisdiction with other justices of the peace of the county of St. Clair, as to all crimes, offenses, and misdemeanors, when alleged to have been committed without the city, but within the county of St. Clair: <i>Provided, however,</i> That this section shall not affect the jurisdiction of justices of the peace now in office within the city.</p>
Proviso.	
To be governed by general laws.	<p>SEC. 3. The general laws of the State relating to justices of the peace shall in all things apply to and govern said justice of the peace, except as otherwise provided in this act.</p>
Sole jurisdiction.	<p>SEC. 4. Said justice of the peace shall have sole and exclusive jurisdiction to hear, try, and determine in a summary manner, and without the aid of a jury, all charges for violations of city ordinances; and all persons convicted by or before him of a violation of a city ordinance may be by him fined or imprisoned, or both, according to the terms of the ordinance, and, if a fine shall be imposed, it shall be with the costs of prosecution if the ordinance so provide; and an appeal may be taken to the circuit court as in civil cases, and such imprisonment may be in the St. Clair county jail or in the city jail.</p>
Fine and costs.	
Appeal.	
Salary.	<p>SEC. 5. Said justice of the peace shall receive no fees to his own use, but in lieu thereof shall be paid by the city an annual salary of seven hundred dollars for the first year, eight hundred for the second, nine hundred for the third, and one thousand for the fourth and each year thereafter, to be paid monthly, which salary may be increased not to exceed fifteen hundred dollars, from time to time by a two-thirds vote of the aldermen elect of the common council.</p>
Clerk of justice court.	<p>SEC. 6. There may be a clerk of the justice court to be appointed by the common council upon the nomination and recommendation of the said justice of the peace, and who may be suspended or removed by said justice at any time, and who shall receive an annual salary fixed by the common council, which may be increased from time to time as the common council by a two-thirds vote of the aldermen elect therefor may determine.</p>
Salary.	
Court and jury room, etc., to be furnished.	<p>SEC. 7. The common council may provide and furnish for the said justice a suitable and convenient court room, with a jury room adjacent, and provide and furnish the same with desks, tables, furniture, fuel, blanks, and stationery, and such other things as may be required to properly carry on and hold such justice court.</p>
Policemen to be detailed to attend court.	<p>SEC. 8. The chief of police shall detail one or more policemen, as the said justice of the peace may direct, to attend upon and keep order in said justice court under the direction of the said justice.</p>
Suits to be commenced in the name of the city, etc.	<p>SEC. 9. Prosecutions under the ordinances of the city shall be commenced and carried on in the name of "The City of Port Huron," and the practice in such cases shall (except as herein otherwise provided) be the same as near as may be as in criminal cases cognizable by justices of the peace in townships.</p>
To qualify.	<p>SEC. 10. Such justice shall qualify in the manner provided by the general laws of the State, but his bond or instrument in writing shall be approved by the common council.</p>
Bond to be approved by whom.	<p>SEC. 11. Said clerk shall qualify by taking the constitutional</p>

oath and giving a bond in such amount and with such sureties as Clerk to qualify may be required by the common council and conditioned, as provided in section five of chapter four of this act, and otherwise conditional as the council may direct.

SEC. 12. Said clerk shall, under the direction of the justice, keep three dockets, which dockets shall contain all that is required to be kept under the general laws of the State relating to justices. He shall also file and safely keep and care for all books, papers, and other things coming to his hands as such clerk, being subject at all times to the control and direction of said justice, and said dockets shall be signed by said justice. In one of said dockets shall be kept the record of all civil business, in another all criminal business, and in the third all cases under city ordinances, rules, and by-laws. To keep three dockets.
Files, books, papers, etc.
Civil and criminal business, city ordinances.

SEC. 13. Warrants issued by said justice upon complaints made for violation of any city ordinance shall be directed to the chief of police and may be served by any [said] chief or any policeman, or the sheriff or any deputy, or any constable, and if served by the chief or any policeman, the fees for such service shall, when collected, be paid to the city treasurer. Warrants, to whom directed.
Fees.

SEC. 14. Said justice of the peace shall have exclusive jurisdiction of all such civil actions and proceedings as by the general laws of the State are within the jurisdiction of justices of the peace when both the parties thereto shall at the time of the commencement of such action or proceeding be residents of said city. He shall have alike exclusive jurisdiction when the original cause of action existed in favor of a resident of said city, but has been by him assigned; but this section shall not affect the jurisdiction of justices of the peace now in office. Exclusive jurisdiction.
Justices now in office not affected.

SEC. 15. The justices of the peace now in office shall continue to hold their offices until the expiration of their respective terms, and so long as they remain in office their jurisdiction shall remain unchanged, except that after the justice herein provided for has been elected and qualified, all ordinance cases shall be brought before him and not elsewhere. To hold until their terms expire, etc.

SEC. 16. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justice's court there shall be paid to the said clerk by the party bringing the same the sum of fifty cents, and before the trial of any such action or proceeding shall be commenced, the further sum of fifty cents, but in cases of non-suit no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the original case and no additional fees therefor as justice's fee shall be charged up to and including the entry of judgment therein, and the amount so paid shall be in lieu of justice's fees, and security for costs may be required as under the general laws of the State. Justice fee.
Security for costs.

SEC. 17. Any cause tried or determined in said court may be appealed or removed by *certiorari* to the circuit court for the county of St. Clair, and the general laws of the State relating to appeals and *certiorari* from justices' courts shall apply to and govern such appeals and *certiorari* except that the fees for making a return thereto shall be paid by the clerk to the city treasurer. Appeal or certiorari.

Fees and costs.	SEC. 18. All fees and costs, except justice's fees and costs, shall be disposed of and paid out as is now or may be provided by the general laws of the State relating to justices, but this act shall in no way affect the fees to which said justice may be entitled on the performance of marriage ceremonies, taking acknowledgments, and administering oaths in matters not connected with any litigation in said justice's court.
Docket to be turned over, etc.	SEC. 19. As the term of office of the justices now in office shall expire, their dockets, and the dockets then in their possession shall be turned over and delivered to the justice of the peace herein provided for, and said justice is hereby authorized to issue executions, or other processes, as is now or may be authorized by law upon any judgment appearing thereon.
Issuing executions.	SEC. 20. A session of said court shall be held every day, Sundays and legal holidays excepted.
Session of court.	SEC. 21. All fees and costs shall be collected by said clerk, and weekly, or oftener if required by the common council of said city, he shall pay over to the city treasurer all moneys received by him belonging to the city, taking duplicate receipts therefor, and filing one of such receipts with his sworn statement of the amounts received with the controller, and he shall not be entitled to receive his monthly wages or salary until his accounts for the preceding month are fully settled and all moneys received by him paid over as aforesaid.
Fees and costs to be paid weekly to city treasurer.	SEC. 22. Process may be signed in blank in civil cases and left with said clerk, and may be issued by him on proper application or showing, and said clerk is authorized to administer oaths in all cases wherever an oath is required. And summons may be signed in blank by said justice and delivered to attorneys in said city, and the same may be filled up and used by them in all proper cases, and shall have the same force and effect as if filled by said justice, and in the absence of said justice the clerk may approve such bonds as require approval in said court.
Duplicate receipts.	SEC. 23. In cases of appeal or <i>certiorari</i> the said clerk may make and certify a return thereto which shall have the same force and effect as if made and certified to by said justice.
Account for preceding month must be settled before he receives his pay.	SEC. 24. In all prosecutions before said justice for a violation of any of the general laws of the State, the county of St. Clair shall be liable for justice fees, and other fees and costs, to the same extent that it is liable under the general laws of the State for justice fees, and the clerk shall make out and certify such bill in the name of the justice and present the same to said board, and said board shall allow the same as in other cases of bills from justices, and the amount or the order therefor when received shall be paid over and delivered to the city treasurer.
Process may be signed in blank.	SEC. 25. Said justice shall have his court room open and shall be in attendance to the duties of his office therein at least from nine o'clock in the morning until twelve o'clock noon, and the said clerk's office shall be open continuously from nine o'clock in the forenoon until five o'clock in the afternoon of each day, except legal holidays, and during the hour between twelve o'clock noon and one o'clock P. M.
Clerk may issue.	
May administer oaths.	
Summons may be signed in blank, etc.	
Clerk may certify appeal or certiorari.	
Liability for justice fees.	
Duty of clerk.	
Justice shall have his office open, when.	
Clerk's office to be open, when.	

CHAPTER XV.

OF TAXATION AND FINANCE.

SECTION 1. The revenues and money of the corporation shall be *City funds.* divided into the following funds, viz:

First, General fund, to defray the expenses of the city of Port General. Huron for the payment of which out of some other fund no provision herein is made;

Second, Contingent fund, to defray the contingent expenses of *Contingent.* said city;

Third, Interest fund, to pay the interest on the funded debt of *Interest.* said city;

Fourth, Sinking fund, to pay the funded debt of said city; *Sinking-*

Fifth, Police fund, to defray the expenses of the police force of *Police.* said city, including the erection of station houses and other buildings for the force;

Sixth, Water fund, to defray the expenses of obtaining ground, *Water.* erecting buildings, purchasing machinery, obtaining rights of way, laying mains, and constructing, repairing, and maintaining the water works of said city;

Seventh, Fire department fund, to defray the expenses of main- *Fire depart-* taining the fire department of said city, including the maintenance and repairs of public hydrants, and the erection of engine houses and other buildings for the use of said department;

Eighth, Educational fund, to defray the expenses of maintaining *Educational.* the public schools in said city, and of obtaining grounds, erecting and repairing school buildings, and for library purposes;

Ninth, Sewer fund, to defray the expenses of constructing, repair- *Sewer.* ing, and maintaining the city's portion of sewers, and of constructing and maintaining receiving or catch basins, and man holes, and putting in street and alley connections;

Tenth, Street opening fund, to defray the expenses only of open- *Street opening.* ing, widening, altering, and vacating streets, highways, and alleys in said city; and not for working or grading streets;

Eleventh, General road fund, to defray the expenses of repairing *General road.* paved streets, and of grading, paving, planking, gravelling, clay- ing, macadamizing, or otherwise improving street intersections, and the highways, streets, and alleys of said city, in front of or adjacent to the property of the corporation;

Twelfth, Ward road fund, for each ward of the city, to defray *Ward road.* the expenses of grading, working, repairing, cleaning, and improving the highways, streets, and alleys in the several wards in said city; and of the building of cross-walks and culverts;

Thirteenth, Public building fund, for purchasing real estate for *Public building.* the erection thereon of any public buildings, and to defray the expenses of erecting, repairing, and maintaining such public buildings as the common council is authorized to erect, and as are not otherwise provided for;

Fourteenth, Bridge fund, to defray the expenses of erecting, *Bridge-* repairing, and maintaining the bridges in said city;

Fifteenth, A park fund, to defray the expenses of beautifying *Park.*

and caring for the public parks of said city; and for the purchase of grounds for parks;

Cemetery.

Sixteenth, A cemetery fund, to defray the cost and expense of obtaining one or more cemeteries, and to defray the cost and expense of beautifying and adorning, keeping, maintaining, and caring for the cemeteries of the city, either within or without the city;

Other funds.

Seventeenth, Such other funds as the common council may constitute for special purposes, not inconsistent with nor to be taken from any of the funds above constituted or raised.

May be divided into special funds.

SEC. 2. The common council may divide each of the funds mentioned in the preceding section into such special funds as may be expedient to secure the expenditure of public moneys, for the purposes for which they were raised.

Taxes for several funds.

SEC. 3. The common council shall have power, subject to the approval of the board of estimates, to annually levy, assess, and collect taxes on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses and for the purposes of the several funds mentioned in and authorized by the preceding sections: *Provided*, That the total amount so levied and collected in any one year for all said funds, except the sinking fund and except any fund for which special assessments are made, shall not exceed two per cent of such valuation, and for the sinking fund shall not exceed one-third of one per cent of such valuation.

Proviso.

Estimates of the amount of taxes necessary to be raised to be presented to the controller, when and by whom.

SEC. 4. On or before the second Monday of April in each year there shall be presented to the controller estimates of the amount of taxes necessary to be raised as follows: By the board of water commissioners, of the amount necessary to be raised for the water fund; by the board of education, of the amount necessary to be raised for the educational fund; by the chief engineer of the fire department, of the amount necessary to be raised for the fire department fund; by the chief of police, of the amount necessary to be raised for the police fund; by the trustees of the city cemetery, of the amount necessary to be raised for the cemetery fund; by the alderman [aldermen] of the several wards, of the amount necessary to be raised in their respective wards for the ward road fund; by the superintendent of public works, of the amount necessary to be raised for the sewer fund, the street opening fund, the general road fund, the bridge fund, and the park fund, and the controller shall add thereto his estimates of the amounts necessary to be raised for all other funds and purposes, and present the same, with such recommendations as he may deem expedient, to the common council on or before the third Monday of April, in each year, and in case either or any of said boards or officers shall fail to report estimates, the controller shall himself submit estimates of the amounts necessary to be raised.

Duty of council.

And if no estimates are presented the common council shall prepare estimates for each and every one of the funds and purposes required, and it shall be the duty of the controller and of said boards and officers to give to the common council any information in their power relative to said estimates or the finances of the city.

SEC. 5. The common council, after revising, altering, and approving said estimates, shall transmit the same as finally adopted to the board of estimates, on or before the fourth Monday in May for its approval, as provided in this act, and all propositions and resolutions for the borrowing of any money on the credit of the city, shall also in like manner be submitted to the board of estimates.

Idem.
Borrowing money, etc.

SEC. 6. The common council shall, with the approval of the board of estimates, also have power to provide money for the water fund, the sewer fund, the educational fund, the public building fund, the general road fund, and the bridge fund, by borrowing upon the faith and credit of said city, and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of the city therefor, and the common council shall also have power to provide money, by borrowing on the faith and credit of the city, to pay the present bonded indebtedness of the city, or of the board of education, or any part thereof, whether due or not, and to issue bonds therefor, or said bonds may be issued by the common council for the purpose of refunding said bonded indebtedness, and exchanged for the present outstanding bonds of the city or board of education; but said bonds shall not be negotiated at less than their par value, or bear interest to exceed seven per centum per annum: *Provided*, That the gross debt of the city, not including that hereinbefore contracted, and water, sewer, paving, and bonds for which special assessments can be made under this act, shall never exceed five per cent of the assessed value of the real and personal property in said city, and before any bond except water, paving, sewer, and bonds above described for paying or refunding the bonded indebtedness of the city and board of education, and bonds for which special assessments can be made shall be issued, at least five per cent of the present indebtedness shall be paid, or a sinking fund provided to pay the same, and any indebtedness issued or created in excess thereof shall be null and void except as hereinafter provided.

Council may borrow money and issue bonds for certain funds.

Provided.

SEC. 7. Bonds issued under the preceding section shall be respectively denominated water bonds, sewer bonds, school building bonds, public building bonds, general road bonds, bridge bonds, and in case issued to provide money for payment of present bonded indebtedness aforesaid, they shall be denominated "Refunding bonds," and in case exchanged for bonds representing present bonded indebtedness, they shall be denominated the same character of bonds as those they retire, with the prefix "Refunding," and shall in case of exchange as aforesaid state specifically on their face the number and character of bonds retired; and in case of exchange for bonds now outstanding known as refunding bonds, they shall be denominated "Funding refunding bonds," specifying, as aforesaid, on their face the number and character of bond retired, and shall be regularly dated and numbered in the order of their issue, and shall be for not less than one hundred dollars each, and shall be payable in not less than three nor more than thirty years from their date; shall be issued under the seal of the corporation, signed by the mayor and clerk, and countersigned by the controller, and

Bonds issued under the preceding section to be denominated, etc.

Proviso.	redeemable at the pleasure of the council after three years: <i>Provided</i> , That any bonds bearing a less rate of interest than seven per centum per annum may, in the discretion of the common council, be made payable at any time not more than thirty years from this date, and shall not be payable at the pleasure of the common council before the expiration of such time. The controller shall keep an accurate record of said bonds, and of the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, where and when the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid into the city treasury and be credited to the funds for which the bonds were issued, and applied to the purposes constituted by this act.
Duty of controller.	
Disposition of proceeds of bonds.	
Debt not authorized prohibited.	SEC. 8. No loan, bond, or other evidence of debt not expressly authorized by this act or any act hereby continued in force, shall be made or issued by the common council or any board or officer of the corporation: <i>Provided, however</i> , That the controller may draw and issue orders on the treasurer for the necessary and current expenses of the city and of the several boards, as the same may be allowed by the common council.
Proviso.	
Assessment for interest fund.	SEC. 9. It shall be the duty of the common council and board of estimates annually to authorize, levy, assess, and collect on the assessed value of all real and personal property in said city, made taxable by the laws of the State, taxes for the purpose of the interest fund, not exceeding in amount a sum sufficient to pay the interest accrued or to accrue on the funded debt of the city, for the year for which such taxes are levied, and also taxes for the purposes of the sinking fund, to pay the funded indebtedness of said city and its different boards; also taxes for the purposes of the educational fund of not more than four and a half dollars for every child in the city between the age of five and twenty years inclusive, and the number of children to be ascertained by the last report on that subject which may have been made to the common council by the board of education, as provided in this act.
Sinking fund.	
Educational fund.	
Temporary loan.	SEC. 10. The common council shall not have authority to borrow except as hereinbefore provided, any sums of money whatever, on the credit of the corporation, but may authorize the controller to borrow from time to time on such credit, in anticipation of the revenues of the corporation for the current fiscal year, and not to exceed such revenues in amount, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year, for a term not exceeding nine months.
Cancelling evidences of debt.	SEC. 11. All bonds and evidences of debt, when refunded, purchased, or paid, at the close of each fiscal year, shall be cancelled and destroyed by the treasurer in the presence of the controller, and a special committee of the common council appointed for that purpose. The controller shall record and keep an accurate description of all bonds and evidences of debt thus cancelled and destroyed.
Record of.	
Bonds, etc., not authorized, void.	SEC. 12. All bonds and evidences of debt issued, and all contracts made or entered into, contrary to or not authorized by the provisions of this act, shall be absolutely void. The common council

shall incur no expenses, and create and pay no debt or liability contrary to or not authorized by the provisions of this act, and shall not appropriate or use the moneys of the corporation except as authorized by and in pursuance of law.

Restriction upon the council.

SEC. 13. No claim or demand against the city shall be allowed or paid, or warrants on the treasury issued therefor, if the same be contrary to, or is not authorized by law, and no additional allowance beyond the legal claim under any contract with the corporation, or for any service on its account, or in its employment, shall be allowed. No warrant on the treasury shall be drawn for any claim or demand, for the payment of which there is no money in the treasury raised or received for that purpose, or after the fund constituted or raised therefor has been exhausted by warrants previously drawn thereon, or by appropriations, liabilities, debts, and expenses actually made, incurred, or contracted for, and to be paid out of such fund.

No claim to be paid unless authorized by law.

No warrant to be drawn unless money in the treasury.

SEC. 14. No moneys shall be paid out of the treasury except upon a warrant signed by the controller, and countersigned by the mayor, and approved or authorized by the common council in pursuance of law. Such warrant shall specify the purpose for which the amount thereof is to be paid, and shall have endorsed thereon the name of the particular fund out of which it is payable, and shall be paid from the fund constituted for such purpose and from no other.

How money drawn from the treasury.

SEC. 15. The moneys belonging to the several funds of the corporation, and all taxes and moneys raised, received, or appropriated for the purpose thereof, shall be applied to the purposes for which said funds are respectively constituted as above, and for which said taxes and moneys are raised, received or appropriated: *Provided, however,* That if, from any cause there shall be, at the end of any fiscal year, a surplus in any fund, except the ward road fund, over and above the actual or estimated cost of any work for which the money of such fund was especially raised, such surplus may be transferred and credited by the treasurer, when directed so to do by the common council, to the sinking fund, whenever there shall not be sufficient moneys therein to pay the outstanding funded debt of the city.

Money to be applied to purposes for which raised.

Proviso—transfer of surplus to sinking fund.

SEC. 16. Moneys shall not be transferred from one fund to another, and the moneys received and properly belonging to one fund, shall not be credited to any other or different fund, except to the sinking fund, as above provided; but the controller shall have the power to divide the several funds above constituted into specific funds to defray special expenses, belonging to the same class of expenses, for the payment of which said several funds are above constituted.

Transfer except to sinking fund prohibited.

Division into specific funds.

SEC. 17. The common council shall not by warrant, draft, or order on the treasury, or by any form of contract, create any liability or expense, for the payment of which any particular fund is constituted as above, to a greater amount in the aggregate for any one year, than the amount of moneys raised for and paid into such fund for the year.

Aggregate liability or expense not exceed fund.

SEC. 18. No contract shall be let or entered into by the common

No contract to be let or work commenced until approved by council and tax levied.

Proviso—issue of bonds.

The construction of public works, etc., may be by contract or otherwise.

Responsible bidders.

Adequate security.

Proposals to be published.

No contract to be awarded to person in arrears.

Fiscal year.

Controller to render to council detailed statement of moneys received and expended.

council, or any board or officer, for the construction of any public work in said city not herein otherwise provided for, and no such public work shall be commenced until it shall have been approved by the common council, and a tax or assessment levied to defray the costs and expenses thereof; and no such public work shall be paid for or contracted to be paid for, except out of the proceeds of the tax or assessment thus levied: *Provided*, That the common council, under the power hereinafter granted, may provide for the issue of bonds of the city in payment for paving, or otherwise improving streets, or building sewers, and that the contractors for such paving or improving of streets, or building sewers, may be paid by said bonds, in whole or in part, and that said bonds [shall] be paid out of the proceeds of the assessment for paving, or otherwise improving streets, or building sewers in such manner as the common council shall direct.

SEC. 19. The construction of any public building, sewer, paving, grading, planking, macadamizing, graveling, claying, or the construction of any public work whatever, or any work to be done (except the ordinary care of streets, water-works, public buildings, and other property of said city) or purchasing or furnishing any materials or supplies for said corporation, or printing or publishing required by this act or that may be required by the common council of said city, may be by contract or otherwise as the council may direct, and no contract shall be let or entered into by the common council or any board of said city except to and with a responsible bidder, with adequate security; and as to such work, supplies, or material, requiring mechanical skill, to and with practical mechanics; and as to such other work, supplies or materials, not requiring mechanical skill, to and with such persons as shall be deemed competent for the performance of any such contract, and not until advertised proposals therefor shall have been published in at least one newspaper published in said city, and for such period as the common council [shall] prescribe, and no bids shall be accepted from or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter as surety or otherwise, upon any obligation to the corporation, or who shall be in any respect disqualified, according to the provisions of this act, and the council may reject any or all bids and may re-advertise one or more times.

SEC. 20. The fiscal year shall begin on the first day of May and end on the thirtieth day of April, and within fifteen days after the close of the fiscal year the controller shall render to the common council a full, complete, and detailed statement, with tabular lists, of all moneys received and expended by the corporation for the preceding fiscal year, showing on what account they were received and expended, to what funds they were credited, and out of what funds they were paid, and shall classify each receipt and expenditure under its appropriate head. In such statement he shall also give, by tabular lists and otherwise, such general information as may be necessary for an understanding of the pecuniary resources and liabilities of said city, and of the condition of each

fund, and may make such recommendations concerning the same as the interests of the said city may require. The common council shall cause said statement to be published in the official newspaper, and in such other paper or papers as the common council may direct.

Publication of statement.

SEC. 21. The mayor, controller, and chairman of the committee on ways and means shall be a committee for the negotiation of all loans authorized by this act, except as to any loans to be made by the controller, under the authority of the common council, as above provided; and a majority of said committee shall have power to make such negotiations subject to the approval of the common council.

Committee for negotiating loans, composed of whom, their powers.

SEC. 22. The mayor, controller, treasurer, and committee on ways and means, and their successors in office, by virtue of their offices, shall be a board of commissioners of the sinking fund. They shall, from time to time, upon the best terms they can make, purchase or pay the outstanding funded debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased or paid; and all bonds and evidences of debt thus purchased or paid, shall have stamped or written thereon in red ink: These bonds belong to the sinking fund of the city of Port Huron; and said bonds or other indebtedness shall be cancelled so that the same cannot be reissued or sold, and shall be delivered to the treasurer, and shall become and be the property of the commissioners of the sinking fund; and the interest thereon to the end of the fiscal year shall be credited and belong to the sinking fund, and at the end of the fiscal year said bonds shall be destroyed; and whenever they cannot arrange for purchasing or paying the said debt or any part thereof, they shall, temporarily, and until they can so arrange, invest the moneys belonging to said sinking fund in such securities, paying interest, as they may deem safe and advisable. Said commissioners shall from time to time and whenever requested by the common council, make report of their doings, which report shall be made to the council, referred to and filed with the controller, and recorded by him in some proper book to be provided for that purpose.

Commissioners of sinking fund, duties of.

Bonds belonging to the sinking fund, how marked and cancelled.

Money belonging to sinking fund, how to be invested.

Report of commissioners.

SEC. 23. Said board of commissioners of the sinking fund shall be a board of the corporation within the meaning of this act, and shall be subject to the provisions of any existing or future ordinances of said city, relative to the sinking fund. They shall meet from time to time for the transaction of business, and may adopt rules of proceedings of their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding funded debt of said city, or invest any of the moneys belonging to said sinking fund as above provided, except under a resolution for such purpose, passed and approved by the vote of a majority of the whole board, and by yeas and nays, to be entered of record. The mayor, or in case of his absence, some member to be appointed by those present, shall preside at their meetings. They shall appoint one of their members secretary of the board, whose duty it shall be to keep a

To be a board of the corporation.

Meetings.

Quorum.

President.

Secretary.

true record of its doings, and they shall annually, at the end of the fiscal year, report the state and condition of said fund to the common council.

Treasurer to have the custody of all moneys, etc.

SEC. 24. The treasurer shall have the custody of all moneys, securities, and evidences of value belonging to or pertaining to the sinking fund, and shall keep the same on deposit with such bank or banks as have a contract for safe keeping of the public moneys, and shall pay out the moneys of said fund only by order of the mayor, and upon warrant of the controller.

Faith and property of city pledged for the payment of its debts.

SEC. 25. The faith and property of the city of Port Huron shall remain pledged for the final payment of all bonds issued, and all moneys borrowed by authority of, and in accordance with this or any other act of the Legislature of this State: *Provided, however,* That the city at large shall not be liable for bonds issued or debts incurred when special assessments are provided for, to pay such bonds or debts.

Proviso.

Malefeasance in office.

SEC. 26. If any officer of the corporation shall directly or indirectly appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, or any board thereof, to his own use, or shall directly or indirectly, and knowingly appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malefeasance in office, and may be prosecuted, tried, and convicted thereof, and on conviction may be punished by a fine not exceeding one thousand dollars or imprisoned in the State prison, jail of St. Clair county, or the Detroit House of Correction, not exceeding three years, or both, in the discretion of the court.

Penalty.

Coal, wood, etc., by whom provided.

SEC. 27. All coal, wood, stationery, and printing for the city and the officers and boards thereof (except the board of education), shall in the manner provided by this act, be provided by the common council, and it may authorize the controller or clerk to advertise and receive proposals therefor, but the cost and the expense thereof shall be paid out of the several funds created by this act, in proportion to the amounts used by or appropriated for the different boards and departments of the city government.

Proposals for, to be paid for from what fund.

Liquor tax to be placed to the credit of the sinking fund.
Funded debts.
General fund.

SEC. 28. All moneys received from the tax on the manufacture or sale of liquors shall be placed to the credit of the sinking fund of the city, and used to pay the funded debt of the city, and when that debt is paid in full and not before, the money so received shall thereafter be placed to the credit of the general or contingent fund.

CHAPTER XVI.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Annual assessment and assessment roll.

SECTION 1. The controller and the supervisor of each ward, between the first day of January and the first day of April in each year, shall assess, at its cash value, all the real and personal property subject to taxation by the laws of this State, within the limits of

each ward respectively of said city; and the controller shall make out and complete the assessment rolls, one for each ward, in books to be provided for that purpose by the common council, and to deliver such rolls when so completed to the board of review, on or before the third Monday in April in each year.

SEC. 2. If any lot or lots lie partly in two or more wards, the same shall be assessed in the ward where the greater portion of such lot or lots are situated, and the said controller shall describe all lands, tenements, or subdivisions thereof, subject to assessment or tax in said city, by referring to the number and section of the lot, and the owner and occupant thereof, and if the number and section of any lot, or the owner thereof cannot be ascertained, then by such other sufficient description as such controller may deem proper; and if by mistake or otherwise, any person may be improperly designated as the owner of any lot, tenement, or premises, such assessment or tax shall not, for that cause be vitiated, but the same shall be a lien on such lot, tenement, or premises, and collected as in other cases.

How property situated in two or more wards assessed.

SEC. 3. The controller shall have power and authority to demand of every person owning, or having charge, as agent or otherwise, of any property taxable in any ward, a list of such property, with such description as will enable him to assess the same. And said controller shall have and exercise the same powers and duties relating to the making of the assessment rolls as are or may be given to supervisors of townships by the general laws of the State, and he shall be governed by such laws except as herein otherwise provided. The controller shall deliver the assessment rolls to the board of review on the third Monday of April.

Controller may demand duty of person to furnish list of taxable property.

Powers and duties of.

SEC. 4. The board of review shall consist of the city controller and the supervisors of the several wards, and shall meet at the common council room in said city on the third Monday of April in each year, and continue in session from day to day until all of said assessment rolls shall have been fully and carefully reviewed, corrected, and approved, which shall be on or before the fourth Monday in April. The board shall have power, and it shall be its duty, to amend and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property, real or personal, wrongfully thereon. Any person considering himself aggrieved by reason of any assessment, may complain thereof, either verbally or in writing, before said board, and on sufficient cause being shown by the affidavit of such person, or oral proof, or by other evidence to the satisfaction of such board, it shall review the assessment complained of and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof: *Provided*, That said board shall not increase any assessment of property. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board, or a majority of them, having completed the review and correction of said assess-

When to deliver assessment roll to board of review.
Board of review composed of whom.
When to meet.
Roll must be approved by whom.

Power.

Rights of aggrieved person.

Provido.

Roll to be signed and returned to council.

	ment rolls, shall sign and return the same to the common council at a meeting of said council to be held on the evening of the second Monday in May.
Notice of meeting of board to be published.	SEC. 5. The controller shall cause a notice to the taxpayers of said city to be published in the official newspaper of the city, and in one other newspaper published in said city, for two weeks prior to the time of any meeting of the said board of review, stating the time and place of meeting of said board, and the object for which it will meet; which notice shall be continued on each publication day of said paper during the session of said board, but a failure to give such notice shall not invalidate the tax.
Failure to publish not to invalidate tax.	
Appeal.	SEC. 6. The common council, after receiving said assessment rolls, shall proceed to consider the same, and any person considering himself aggrieved by the assessment of his property, and the decision of such board of review thereon, may appeal to the common council at said session. Every appeal shall be in writing, and shall state specially the grounds of the appeal and the matter complained of. Any member of said board may meet with the common council and make such explanations as he may deem requisite in any case.
Member of board may meet with council.	
Appeal.	SEC. 7. The common council shall hear and determine all appeals in a summary manner and correct any errors which it may discover in the assessment rolls and place thereon the names of any persons and [the] description of any property not already assessed, and assess the same: <i>Provided</i> , That they shall not increase any assessment of property.
Assessment of property not to be increased.	
Continuation of review by council.	SEC. 8. The common council may continue the consideration of said assessment rolls and the hearing of said appeals from session to session, for a period not exceeding one week after the time when they are to be first considered as above provided, and on or before the expiration of said period of one week they shall be fully and finally confirmed by the common council. When said assessment rolls shall have been confirmed by the common council, as provided for in this section, it shall be the duty of the controller to forthwith make copies of said assessment rolls, which copies shall be known as tax rolls, and as soon as the city school and highway taxes are fixed and determined he shall apportion, spread, and extend on such tax rolls all the taxes authorized to be raised for city, school, and highway purposes in said city, including the mill tax, and for the purpose of avoiding fractions may proceed as provided in the general laws of the State, and on or before the fifteenth day of July in each year he shall deliver said tax rolls, with the city, school, and highway taxes spread, extended, and apportioned thereon, to the city treasurer, taking his receipt therefor and charging him with the amount thereof, and the city treasurer shall forthwith give notice in the official paper of the city and one other newspaper published therein, that such tax rolls are in his hands, but a failure to give such notice shall not invalidate said tax, and such rolls shall remain with the treasurer until the first day of November, and up to that time each and every person against whom taxes are assessed on said roll may pay the same and the
Confirmed by.	
Duty of controller.	
When to deliver tax rolls to city treasurer.	
Receipt.	
Notice to be published, etc.	

treasurer shall give a receipt for the taxes so paid and mark the same as paid on said roll. Receipt for taxes, etc.

SEC. 9. The controller shall keep the assessment rolls in his office until the meeting of the board of supervisors of St. Clair county, and have such rolls then, and there, which rolls after equalization of [by] said board shall be the assessment rolls for all purposes whatsoever. Controller to keep rolls in his office until when.

SEC. 10. On the first day of November the city treasurer shall return said tax rolls to the controller who shall at once apportion, spread, and extend thereon all State and county taxes certified to him by the board of supervisors, at the same time and in the same manner as township supervisors are or may be by law required to do, and shall annex thereto a warrant directed to the ward collectors of said city, respectively signed by him, and in all other respects the same, as near as may be, as is or may be by law required in warrants of township treasurers, for the collection of State, county, and township taxes. The controller shall on or before the first day of December, cause the rolls to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith. The treasurer shall receive all taxes on said roll except such as have been paid, without charging any percentage thereon until the first of January in each year, and shall mark on the tax roll as paid all taxes paid to him, and on the first day of January, or within ten (10) days thereafter he shall pay to the county treasurer all State and county taxes received by him. When treasurer to return tax rolls to controller. Duty of. His warrant. Controller to deliver rolls to city treasurer when. To receive all taxes up to January 1, with charge. To be marked paid. When to pay to treasurer.

SEC. 11. On the first day of January or within five (5) days thereafter the city treasurer shall ascertain from the rolls the amount of taxes uncollected in each ward, and shall give to each ward collector a statement of the amount uncollected in his ward, which statement shall show the amount of State and county taxes uncollected, [the amount of school taxes uncollected, and the amount of all other taxes uncollected,] and within five days after the receipt of such statement it shall be the duty of each ward collector to give to the county treasurer a bond with sureties to be approved by him and running to the county of St. Clair in double the amount of the State and county taxes uncollected by said city treasurer and conditioned as required by the general laws of the State relating to town treasurers. Said ward collectors shall also give a bond running to the board of education in double the amount of the school taxes uncollected, with sureties to be approved by the board or its chairman and conditioned that he will pay over to the treasurer of said board all school moneys collected by him and further conditioned as the board may direct. And said ward collectors shall also give a bond running to the city of Port Huron in double the amount of all other taxes uncollected by the city treasurer, with sureties to be approved by the common council or by the mayor and city controller and conditioned according to section five (5) of chapter four (4) of this act, and further conditioned as the common council may require. And in case of the failure of any ward collector to give each and all of such bonds, his office shall be vacant and the council shall appoint some person as such Duty of city treasurer. Ward collector's bonds. Vacancy.

Certificate of giving and approval of bond.
Delivery of tax roll.
Receipt.

Duty and power of ward collector.

ward collector who shall give each and all the bonds hereinbefore required and take the conditional oath of office. Upon the presentation of certificates from the proper officers showing the giving and approval of all such bonds the treasurer shall deliver to such ward collector the tax roll for his ward, taking his receipt therefor.

SEC. 12. Said ward collectors shall collect said taxes charged in said rolls not marked paid, together with their fees, which shall be the same as allowed by law to town treasurers, in the manner provided by law, and for such purpose they shall have the same power and authority as is now given by law to town treasurers. The collectors shall, within ten days after the expiration of their warrants, or, in case of extension of time for collecting such taxes, within ten days after such time has expired, pay over to the treasurer of the board of education the full amount of school taxes appearing on said roll at the time the same came to his hands, and shall pay to the city treasurer the amount payable to him, and to the county treasurer the amount which by law is payable to him, and shall make his returns according to the general laws of the State relating to township treasurers, except as herein otherwise provided and such general laws shall govern in all things not herein otherwise provided for.

Taxes, a lien on the property.

SEC. 13. The taxes so assessed shall be a charge against the person owning or occupying the property so assessed and a lien on the property as provided for in the general laws of the State.

Duties of council in school, county, and State taxes, etc.

SEC. 14. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships in this State in reference to school taxes, county and State taxes, the support of the poor, and State, district, and county elections, and the supervisors, justices of the peace, clerk, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officer, except as is otherwise provided in this act, or as may be prescribed by ordinance.

Justice of the peace, clerk, etc., to take oath, etc.

The same proceedings to be had in assessing, collecting, receiving, etc., as are provided for in townships.

SEC. 15. All State, county, and school taxes in said city, and all city and highway taxes shall be assessed and levied upon the same property, and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers, except as herein otherwise provided, and all the proceedings for the return, sale, and redemption of real estate for the non-payment of taxes shall be in conformity with the proceedings for the return, sale, and redemption of real estate by township officers, except as herein otherwise provided.

No fee to be published and posted.

SEC. 16. Such treasurer shall, after the tax roll comes the second time into his hands, give notice by publishing the same in one newspaper published in said city, and by posting the same in three public places in each ward of said city that the roll is in his office, and of the time when by law he will be authorized to receive the taxes thereon: *Provided*, That any defect in said notice or any omission to comply

Proviso.

with the provisions of this section, shall not invalidate said tax roll, or any measure thereafter to be taken to enforce collection of the taxes thereon assessed. Such notice shall be published in said newspaper for two successive weeks.

SEC. 17. The controller shall perform such duties in relation to the finances, accounts, and other matters of the city, as shall be prescribed by ordinance, and shall, in addition to his other duties, be the assessor of said city, and as such shall have and exercise within the city, all the powers and duties and authority of supervisors of townships, as provided by the laws of this State, except as herein otherwise provided. The controller shall have a seat in, and attend the sessions of the common council, and may discuss all questions and matters that come before the council, but shall have no vote therein. The controller and the supervisors elected in the several wards of said city shall be members of the board of supervisors of St. Clair county.

Duties of controller.

Assessor.

Seat in the council.

No vote.

Shall be members of the board of supervisors.

SEC. 18. It shall be the duty of the common council, on or before the third Monday in May, to determine, by resolution, the amount necessary to be raised by tax for city purposes, within said city, for such year; and it is hereby made the duty of the controller of said city, after said tax has been submitted to, and approved of by the board of estimates, to levy the sum so determined upon, and such other taxes as may be required by law, upon the taxable property of said city in the manner specified in this act. No real or personal property, which shall be exempt from taxation by the general laws of this State, shall be assessed for the ordinary city or county taxes; nor shall any public square, park, or other public ground be assessed for any tax or assessment whatever. The common council may be authorized by the board of estimates to raise a tax for any specific purpose.

When council to determine amount of tax to be raised.

Duty of the assessor to levy the same.

Property exempt.

Tax for specific purpose.

CHAPTER XVII.

SPECIAL ASSESSMENTS.

SECTION 1. The common council shall have power and authority to levy and collect special assessments for the following purposes:

Special assessments.

First, To defray the cost and expense of grading, curbing, paving, graveling, claying, planking, or macadamizing any of the streets, lanes, alleys, highways, or avenues of the city, or of improving the same by a combination of any of such methods;

Second, To defray the cost and expense of repairing any of the streets, lanes, alleys, highways, or avenues, of the city so improved, when the number of square yards to be repaired in any given block, in one year, shall exceed ten (10) per cent of the total number [of square yards] in such block;

Third, To defray the cost and expense of constructing or repairing drains and sewers in said city;

Fourth, To defray the cost and expense of constructing or repairing sidewalks in said city: *Provided, however*, That none of the improvements mentioned in this section, except those mentioned in part four (4) shall be made without the concurring vote of two-

Provided.

Proviso.	thirds of the aldermen elect: <i>And provided further</i> , That no street, lane, alley, highway, or avenue shall be paved until the same is provided with sewerage.
Petition for grading, etc., to be referred to superintendent of public works.	SEC. 2. Whenever a petition shall be presented to the common council asking for the grading, curbing, paving, graveling, claying, planking, or macadamizing of any street, lane, alley, highway, or avenue in said city, or by [for] improving the same by a combination of any of such methods, or for repairing to such an extent that a special assessment may be made therefor, or for the construction of any drain or sewer, the same shall be referred to the superintendent of public works, as provided in the chapter of this act relating to the superintendent, and upon the coming in of his report the council shall determine by resolution as to the necessity and propriety of doing such work or making such improvement (a two-thirds vote of the aldermen elect being necessary to determine in favor of the same), and if they determine in favor of the same, or any part thereof, they shall fix the limits of a special assessment district, which in case of grading, curbing, paving, graveling, claying, planking, or macadamizing, or of improving by a combination of any of such methods, shall include the lots and premises fronting, touching, or abutting on such street, lane, alley, highway, or avenue so proposed to be improved, and in case of drains or sewers shall include such lots, blocks, and premises lying contiguous to each other as will, in the opinion of the common council, be benefited by such drain or sewer, and the council may revise, correct, amend, or change the plans and specifications, and upon their being finally approved and adopted the council shall direct the superintendent of public works to advertise in such manner as they may direct for proposals for doing such work and furnishing materials therefor according to such plans and specifications, but no bid shall be received unless accompanied by a good and sufficient bidder's bond, which bond shall be in such amount and be conditioned as the council may require.
Determination of council, two-thirds vote necessary.	
Special assessment district.	
Plans and specifications may be changed.	
Superintendent to advertise, etc.	
Builder's bond.	
Bids to be opened by whom.	SEC. 3. The bids received shall be opened and examined by the superintendent of public works, the controller, and the city clerk, and the superintendent shall report the same to the council at their next meeting, with an estimate of the amount necessary to be raised for incidental expenses, and the council shall determine the amount necessary to be raised for doing such work, or making such improvement, including the incidental expenses, and shall submit to the board of estimates the question of raising such amount by a special assessment, and of issuing bonds for such portion thereof as they may determine; and in case of approval by said board of estimates, the council may award the contract to any responsible bidder, provided he is a competent person to do such work, and gives the required bond; or the council may reject any or all bids, and re-advertise for proposals one or more times.
Report.	
Council to determine what.	
Special assessment, etc., to be submitted to board of estimates.	
Bids may be rejected.	
Special assessment roll.	SEC. 4. Upon the awarding of such contract, the council shall direct the engineer to make out a special assessment roll to defray the cost and expense of doing such work, or making such improvement, and the incidental expenses therein, as fixed in the manner aforesaid.

SEC. 5. Thereupon it shall be the duty of such engineer to make Idem.
 out a special assessment roll, which roll, in all special assess-
 ments for constructing drains or sewers and in all cases of pay-
 ing, curbing, planking, graveling, claying, or macadamizing the In four parts.
 streets, lanes, alleys, highways, or avenues of the city or improving
 the same by a combination of any such methods, may be in four
 parts. Each part shall contain a description of each lot, tract, or To contain
 parcel of land contained within the special assessment district as what.
 fixed and determined by the common council, together with the
 name of the owner or occupant of each lot, tract, or parcel of land
 so far as he can ascertain the same. He shall assess to each One quarter of
 description of land its proportion of the total cost and expense of cost.
 such work or improvement, placing on each part of such roll one-
 quarter ($\frac{1}{4}$) of the amount of such cost and expense. In all cases In all cases of
 of curbing, paving, graveling, claying, planking, or macadamizing curbing, paving,
 any of the streets, lanes, alleys, highways, or avenues, or of etc., the amount
 improving the same by a combination of any of such methods, or assessed to any
 of repairing the same, the amount to be assessed to any lot, tract, lot shall be in
 or parcel of land shall be in proportion to the number of feet proportion to
 fronting, abutting on or touching such street, lane, alley, highway, frontage, etc.
 or avenue, and in all cases of constructing or repairing drains or Constructing
 sewers, the amount to be assessed to any lot, tract, or parcel of land drains, etc.
 shall be according to the benefits resulting to the same, taking into
 account the area thereof. And the engineer shall assess to the city City's propor-
 its proportion of the cost and expense of such work or improve- tion of cost, etc.
 ment for street crossings and intersections, and in cases where side
 streets open upon but do not extend across the street, lane, alley,
 highway, or avenue so to be improved, the space formed by extend-
 ing the lines of the side street to the middle of the street, lane,
 alley, highway, or avenue to be so improved shall be treated as
 spaces formed by the intersection of streets.

SEC. 6. Such parts of the assessment roll shall be numbered one, Assessment
 two, three, and four respectively, and parts two, three, and four shall be num-
 bered.
 shall not be collected until the expiration of one, two, and three How collected.
 years respectively from the confirmation of such assessment roll,
 but interest shall be paid by the owner or occupants of the property Interest.
 assessed, upon such parts at the rate of seven (?) per cent per
 annum, payable annually: *Provided*, That any person may pay any Proviso.
 part or the whole of the assessment made against any of the prop-
 erty owned or occupied by such person previous to the issuing of
 bonds as herein provided.

SEC. 7. When the assessment roll is thus completed, the city Notice by pub-
 engineer, except as otherwise provided, shall give notice by at least lication.
 two weekly publications in the official newspaper of the city, that
 such assessment has been completed, and will remain in the city Inspection of.
 clerk's office two weeks from the first publication of said notice, for
 the inspection of all concerned, during which time any person inter-
 ested may file with the said city clerk, in writing, such objections as Objections may
 they may wish to make to such assessment roll. At the expiration be filed.
 of the said two weeks, the city engineer, after any needed revision
 or correction of said roll, shall affix a certificate thereto setting forth

Engineer's
certificate.

that he has included in said assessment roll all the real estate in the assessment district, as fixed by the common council, together with the name of each owner or occupant, of each lot, tract, or parcel of land so far as he could ascertain the same; that he has assessed upon each description of land its proportion of the amount directed to be raised by the common council. If a new assessment, that the same has been apportioned according to the benefits resulting to each lot, tract, or parcel of land, taking into account the area of the same. If an assessment for paving, grading, planking, graveling, claying, or macadamizing the streets, lanes, alleys, highways or avenues, or improving the same, by a combination of any of said methods, or for sidewalk purposes, that the same has been apportioned according to the number of feet of such lot, tract, or parcel of land, fronting or abutting on or adjacent to the street, lane, alley, highway, or avenue so to be improved, and that he has assessed to the city its proportion of the cost and expense of such work or improvement according to the provisions of this act, and shall thereupon report it to the common council, with such objections as have been filed thereto. The common council shall review

Report.

Duty of council.

After confirma-
tion assessment
to constitute a
lien, etc.

said roll, and consider the objections, and may refer the said roll back to the engineer for further revision, or correction, and when satisfied with the same, it shall, by resolution, confirm the same. From and after such confirmation, the assessments in said roll shall constitute a lien, until paid, upon said lots or parcels of land, and a personal charge against the owner or owners thereof, and the city clerk shall add to said roll a certified copy of the resolution confirming the same.

Duty of mayor
and city clerk.
Bond.

Contract and
bond.

Pro rata to be
refunded.

Confirmation.
Duty of city
clerk.
Duty of con-
troller.

SEC. 8. Upon the confirmation of said roll, the mayor and city clerk shall, unless otherwise directed by the common council, enter into a contract with the person or persons to whom the same has been awarded, taking from him or them a bond in such sum, and with such sureties, and conditioned as the common council may direct; and upon the execution of such contract and the giving of such bond, the contractor shall at once proceed with the work, under the direction of the superintendent. And in case such work or improvement is not completed to the extent ordered by the common council or contracted for, the same shall not affect the validity or prevent the collection of the assessment; but the common council shall, in such cases, refund a *pro rata* proportion of the money collected for the portion not completed.

SEC. 9. Upon the confirmation of said roll as aforesaid, the city clerk shall deliver the same to the city controller, who shall attach to the same, or to part one thereof (if the same is in parts), a warrant, under his hand and the seal of the city, directed to the city treasurer, commanding and requiring him to collect from the several persons named therein, the several sums set opposite their respective names; and such warrant shall authorize the treasurer, in case any person or persons named in the assessment roll shall neglect or refuse to pay his, her, or their assessment, to levy the same by distress and sale of the goods and chattels of such person or persons. And the controller shall thereupon deliver such roll,

or such part thereof, to the city treasurer, and as parts two, three, and four of such roll, (if the same is in parts), become due and payable respectively, he shall add in a separate column the interest to be collected as provided in this chapter, and attach thereto his warrant as aforesaid, and deliver such roll or such part to said city treasurer.

SEC. 10. Upon the receipt of any special assessment roll or of any or either of the parts of such assessment roll, the city treasurer shall forthwith give notice by publication for two successive weeks in the official paper of the city, that such roll or part is in his hands for collection and that such assessment can be paid without the collection of any collection fee for thirty (30) days from the date of such notice, and during that time he shall receive and receipt for all such assessments as may be paid to him, and at the expiration of such time he shall proceed to collect the amounts unpaid according to the terms of his warrant, adding thereto four (4) per cent for collection fees, and for the purpose of collecting the same he is hereby vested with the power and authority given to township treasurers for the collection of State and county taxes, and he shall account for such collection fees in his settlement with the city and he may levy upon the property of persons assessed wherever the same may be found within the city of Port Huron, and all moneys received on said assessment roll shall be applied to the purpose for which it was raised and no other.

City treasurer to give notice by publication.

Assessment can be paid for 30 days without collection fee.

Four per cent to be added.

His authority.

To account for collection fees.

How money applied.

Treasurer to return within 90 days taxes uncollected.

Provido.

Council may direct collection by suit.

Special assessment bonds.

SEC. 11. In case the city treasurer is unable to collect from any person or persons the amounts assessed to him or them he shall make returns thereof under oath to the city controller at the expiration of ninety (90) days from the date of the warrant, giving the description on which the assessment is unpaid and the amount of the unpaid assessment, and shall also leave with the city controller the assessment roll or part thereof then in his hands and the controller shall safely keep such return and such roll in his office: *Provided, however,* That the common council may extend the time for the collection of such roll or of any part of any roll and continue it from the warrant for such time as they may deem best, and in case of such extension then the said treasurer shall make return in the manner aforesaid upon the expiration of the extension.

SEC. 12. Upon the return of any roll or any part of any roll the council may direct the collection of the unpaid assessments by suit, and such suit shall be in the name of "The City of Port Huron," and may be brought in any court of competent jurisdiction, and such roll or part thereof shall be *prima facie* evidence of the regularity of all proceedings and doings to and including the return, and shall also be *prima facie* evidence of the liability of the person named therein.

SEC. 13. After the confirmation of such assessment roll as aforesaid, the common council may issue special assessment bonds to an amount not exceeding three-fourths ($\frac{3}{4}$) of the amount to be raised for such work or improvement; such bonds shall be designated special assessment bonds and shall bear the name of the street, lane, alley, highway, or avenue on which the work for which they

	are issued is being done, and shall be payable and paid out of the proceeds of the special assessment on account of which they are issued and no other, and the proceeds of such special assessment shall constitute a fund for the specific purpose or improvement for which such special assessment was made and no other. One-third
How made payable.	of such bonds shall be payable in one year, one-third in two years, and one-third in three years from the date of their issue. They
Rate of interest.	shall bear interest not exceeding seven per cent per annum, and shall be for such sums as the common council shall determine.
Coupons.	The bonds made payable in one year shall have attached thereto one interest coupon, and those made payable in two years shall have attached two interest coupons, and those made payable in three years shall have attached three interest coupons. They shall
Date and number, seal, signed by whom.	be regularly dated and numbered in order of their issue, and shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of such bonds, the number, date, and amount of each, and the person or persons to whom it is issued.
Duty of controller.	
To constitute a lien when.	SEC. 14. In all cases of special assessments said assessment shall be a lien on the property assessed from and after the time of the confirmation of the assessment roll by the common council.
Special assessments, power to levy for certain purposes.	SEC. 15. In the exercise of the police power of said city, the common council shall have power to levy and collect special assessments to defray the expenses of taking down any building, wall or structure liable to fall down and endanger persons or property; of filling up, altering, re-laying, or repairing of any private cellar, slip, barn, drain, sink, or privy, or of abating or removing any nuisance in said city; but in all such cases the actual expense upon or in front of each lot or parcel of land shall be assessed to such lot, and in all other respects the proceedings shall comply as near as may be with the provisions of this chapter.
May vacate assessment.	SEC. 16. Hereafter whenever any special assessment shall in the opinion of the common council be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made for the purpose for which the original assessment was made. And whenever the tax or any part thereof assessed on any lot or parcel of real estate by the original assessment set aside or held invalid as aforesaid has been paid it shall be the duty of the city treasurer to apply said payment upon the reassessment on said lot or parcel, and to make a minute thereof upon the new assessment roll, and the surplus, if any, shall be returned by the common council, and such reassessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of this chapter making special assessments a lien upon the lots and parcels of real estate embraced therein, and also [to] those relating to the collection of special assessments made under this section shall apply to said reassessment. The provisions of this section shall apply to special assessments which shall hereafter be made.
New special assessment.	

SEC. 17. The said common council shall also have power to provide by ordinance that when any lots or premises shall be legally liable to be assessed for the costs and expenses of paving or other public work or improvement, that if it should appear that the amount originally assessed upon such lot or premises was not sufficient to pay in full the costs and expenses of such improvement, that a new reassessment for the amount of the deficiency may be made on such lots or premises, and also to provide if any illegality or deficit against any such special assessment for the cost and expenses of the making of any such improvement shall be sanctioned by any court of competent jurisdiction, that the common council may order and there shall be made and collected in the manner provided by law, a new or reassessment upon such lots or premises for the amount of such costs and expenses. The common council may by ordinance limit the time within which such new or reassessment shall be made, and prescribe all the necessary rules and regulations in reference to the making and collection of the same.

New re-assessment for deficiency.

SEC. 18. The city shall not be liable for any improvement or for any bonds issued therefor the expense of which is herein or by ordinance made a charge upon the property benefited thereby, or assessed or to be assessed on any district, ward, or other portion less than the whole city, nor upon any contract made in reference thereto.

In what case city not liable.

SEC. 19. All persons assessed under the provisions of this act to pay for the expense of building any sewer, may drain the property assessed into such sewer, and the common council shall, by ordinance, provide the manner in which any private drain of such persons shall connect with such sewer. The common council may, by ordinance, require each and every person draining into or benefited by any sewer, to pay such sums as the common council may fix, which sums, when collected, shall constitute a fund for the repairs of such sewers, and the same shall be a lien on the premises assessed from the time of such assessment, and the common council may enforce the payment thereof by suit against the owner of the land, or by sale of said land.

Connecting drain with sewer.

Terms.

SEC. 20. In letting contracts for any of the work herein provided for, the work for each special assessment district shall be advertised, bid for, and let separately.

Work to be let separately.

SEC. 21. When it is proposed to build a sewer the common council shall determine whether or not it is to be a main or a lateral sewer, and no private property shall be assessed for more than one main and one lateral sewer.

Main or lateral sewer.

SEC. 22. The common council shall have the right to cause man holes, receiving basins, and such other things necessary to drain the street to be placed in any sewer, and in making all assessment rolls for the collection of sewer tax, such sums shall be assessed to the city of Port Huron, and paid out of the sewer fund, as will pay for said sewer in crossing any street, and for such man hole connections, basins, etc., as may be needed, and the city at large shall pay for

Man-holes, etc.

What to be assessed to the city.

	the repairs on such sewers, in such street crossings, and the basins, man holes, and connections.
When work to be done.	SEC. 23. All contracts for building of sewers shall require the work to be completed on or before the first day of December next ensuing, and no work shall be done in the construction of sewers after that date except that excavations may be filled: <i>Provided, however,</i> That work may continue after that date upon the recommendation of the mayor and the concurring vote of two-thirds of the aldermen elect.
Proviso.	
Power of council to make rules, etc.	SEC. 24. The common council may by ordinance establish such other and further rules and regulations for the doing the work provided for in this chapter, and for making assessments therefore, and for collecting the same, and for the repairing, improving, protecting, and controlling the same, as they may deem best.
Persons may be required to connect with sewer.	SEC. 25. The common council may require each and every person owning or occupying any real estate within any sewer assessment district to connect such real estate with such sewer, whenever, in the opinion of the council, the public good requires it, and may by ordinance fix a penalty for a failure to comply with such requirement, and may cause such connection to be made, and may collect the cost and expense thereof by special assessment as herein provided.
In what case the cost, etc., may be reassessed.	SEC. 26. In all cases where sewers have been heretofore constructed in said city, and the assessments therefor have not been collected, or have been collected and refunded, the common council is hereby authorized and empowered to reassess the cost and expense of the same upon the property benefited thereby, in the manner provided in this chapter, and the proceeds of such special assessment shall be placed in the sewer fund.
Prior special assessments.	SEC. 27. All special assessments made prior to the passage and approval of this act shall have the force, validity, and effect given to them by the acts under which the same were made, notwithstanding the provisions of this act. And in case any such special assessment is found to be invalid for any reason, a reassessment may be made therefor in the manner provided in this act for making assessments.
Penalty for making connection with sewer, or taking up pavement without permission.	SEC. 28. After a sewer has been completed, no person shall break into or make a connection therewith, without first obtaining from the superintendent of public works written permission so to do; and after a pavement has been laid, no person shall break into or take up any part thereof, without first obtaining from the superintendent of public works written permission so to do; and the council may enforce this section by an appropriate ordinance, and may affix penalties for a violation of the same.
Sewer fund.	SEC. 29. The funds of the great sewer districts shall be transferred to the sewer fund.

CHAPTER XVIII.

OF SIDEWALKS.

Sidewalks. SECTION 1. It will be the duty of each and every person owning,

occupying, or having any interest in any real estate within the city to construct, keep, and maintain good and sufficient sidewalks along all streets and avenues in front of or adjacent to such real estate, and upon failure so to do such person, after due notice, shall be liable to prosecution according to such ordinances as the common council of said city may adopt.

SEC. 2. The common council shall have power to prescribe by resolution or ordinance the grade, width, and character of all sidewalks within said city and the materials of which and the time within which the same shall be constructed or repaired, and may provide for the punishment by fine or imprisonment, or both, of any and every person who fails, neglects, or refuses to comply with the provisions and requirements of such resolutions [resolution] or ordinance.

Grade, width, material, time within which it shall be built, etc.

SEC. 3. During the month of February, in each year, or at such other time as the common council may direct, the superintendent of public works shall advertise for sealed proposals for furnishing materials and constructing or repairing such sidewalks as the common council may from time to time determine to have constructed or repaired during the then ensuing year, or any part thereof. Upon the coming in of bids the superintendent of public works shall report the same to the common council and the council shall accept the bid or bids which in their judgment will be the most advantageous to the city and shall award the contract to the person or persons making the same, or may reject any or all bids and re-advertise for proposals a second or more times. The council shall determine by resolution or ordinance the manner of advertising and the terms, conditions, reservations, restrictions, limitations, and liabilities that shall be imposed upon the person or persons to whom the contract may be awarded, and thereupon a contract shall be made and entered into.

To advertise for sealed proposals for furnishing materials, etc.

Duty of the superintendent and council.

SEC. 4. Whenever the common council shall by resolution order any sidewalk to be constructed or repaired, the superintendent of public works shall forthwith give notice thereof to the owner, occupant, or person interested in the land in front of or adjacent to which walk is to be built or repaired. Such notice shall be given by personal service upon such owner, occupant, or person interested, if known and found within the city, but if not known or not found within the city, then by posting a copy thereof in a conspicuous place on said lot. If such sidewalk shall not be built or repaired within the time limited therefor, the superintendent shall report the same to the council with proof by affidavit of the giving the notice aforesaid; and thereupon the council may order a special assessment to be made to defray the cost and expense of constructing or repairing such walk or may prosecute under such ordinance as may be adopted, or do both.

Notice to construct or repair sidewalks.

Report.

May order a special assessment.

SEC. 5. The amount of the special assessment shall be determined according to the contract mentioned and provided for in section three of this chapter with such additional sums to cover the incidental costs and expenses, as the council may determine, and the amount to be apportioned to each lot or parcel of land shall be

Amount, how determined. How apportioned.

according to the number of feet fronting on or adjoining the street or avenue on which such sidewalk is to be built or repaired, and such assessment shall be made and further proceedings had as near as may be in accordance with chapter seventeen of the act, being the act relating to special assessments, and upon the confirmation and collection of such roll, the sidewalk contractor shall at once proceed with the work of constructing or repairing such walk under the direction and supervision of the superintendent of public works and pursuant to the ordinances of the city, and such contractor shall be paid out of the proceeds of such special assessment, and not otherwise.

Work to be done, under whose direction.

Out of what fund to be paid.

CHAPTER XIX.

SALE OF LAND FOR NON-PAYMENT OF SPECIAL ASSESSMENTS.

Petition to the circuit court in the case of return of special assessment.

SECTION 1. Whenever there shall be a return made of assessments uncollected upon any special assessment roll or any part thereof provided for in this act, or in any ordinance of said city, the controller, when directed so to do by the common council, shall prepare for presentation to the circuit court for the county of St. Clair, in chancery, a petition setting forth briefly the prior proceedings had in the matter of such special assessment, and giving in a schedule to be annexed a description of the property assessed, the amount of the assessment unpaid, the interest on the same unpaid at ten per cent from the date of the confirmation of the assessment roll to the time fixed for the sale, and the costs and expenses shall be fixed by the common council, and shall not exceed one dollar on each description, and said petitioner shall claim a lien on said land to the amount of such assessment, with the interest and costs, and such petitioner shall pray for an order and demand said court that the real estate described in the schedule be sold to satisfy said assessment and the interest, and costs and expenses.

Notice to be published that petition will be presented.

Notice of the time when the property will be sold.

SEC. 2. Said controller shall give notice by publication in the official paper of the city for three (3) succeeding weeks that such petition will be presented to said court at a time to be fixed therein, which notice shall contain the substance of said petition, and giving the description of the real estate as set forth in such schedule; and said controller shall further give notice in such advertisement that the property described in said schedule will be sold at public auction at a time and place to be fixed in said notice, which time shall be not less than forty (40) days from and after the time fixed for the presentation of such petition and at the time fixed for the presentation of such petition the same shall be presented to said court.

Proof of publication to be filed in court. Equivalent to personal service.

Jurisdiction of court.

SEC. 3. At, on, or before the time fixed for the hearing of said petition, due proof shall be filed in said court of the publication of such notice. The publication of said notice shall be equivalent to a personal service of process upon all persons owning, occupying, or interested in said real estate, or any part thereof, and the said circuit court in chancery shall have full and complete jurisdiction and authority to hear, try, and determine each and every of

the matters [matter] alleged in such petition, and the matters [matter] alleged in opposition thereto, even though the amount involved in all, or any one assessment be less than one hundred dollars.

SEC. 4. At the time and place fixed for the presentation of such petition, or within ten days thereafter, any person desiring to contest the validity of any assessment, may make his objections thereto in writing and the court shall proceed in a summary manner, within the period of thirty (30) days from the time of the presentation of such petition, to hear, try, and determine as to the validity of the assessments against which objections are made, and at the expiration of the period of thirty (30) days from the time of the presentation of such petition, the court shall make an order or orders vacating and setting aside all such assessments or parts thereof as are found to be illegal and invalid, and affirming all others.

Contesting validity of assessment.

Order vacating assessment.

SEC. 5. It shall be the duty of the city attorney, or of such other attorney as may be employed by the city, to aid and assist the controller in the preparation of such petition and the notices herein provided for, and such attorney shall appear in court and prosecute all such proceedings on the part of the city, and the court may make such orders as may be necessary to facilitate the proceedings, and the city or any person interested may appeal from the decision of said circuit court in chancery to the supreme court, as in other [chancery] cases.

Duty of city attorney to assist controller, etc.

Appeal.

SEC. 6. At the time and place fixed for the sale of said property the controller shall offer for sale all the property described in such petition and schedules upon which the assessment has been affirmed and not paid. He shall offer each description separately, and shall sell the same to the person who will accept a conveyance for the smallest undivided fee simple interest therein and pay such assessment, interest, and costs, and if no person will offer to take an undivided interest therein, then the whole shall be sold.

Controller to offer land at time and place fixed for sale.

SEC. 7. At any time before said sale, any person interested may pay such assessment and the interest and costs mentioned in such exhibit, and at any time within one year after such sale any person interested may redeem from such sale by paying the amount for which the same was sold, and interest thereon at fifteen (15) per cent per annum from date of sale to the date of such redemption.

Any one interested may pay assessment, etc. Redemption.

SEC. 8. Upon the making of the sale as aforesaid, the purchaser shall be entitled to a certificate therefor, upon paying the amount of his bid, and in case of redemption such purchaser or his assignee shall be entitled to have refunded to him the amount of his bid and interest at ten (10) per cent upon the surrender of his certificate.

Certificate of purchase to be given on payment of bid.

To be refunded on redemption.

SEC. 9. All descriptions not sold and paid for shall be struck off to the city, and may be sold by the city as the common council may direct.

What to be struck off to the city.

SEC. 10. Upon the expiration of one year from the date of sale, the purchaser or his assignee shall, except in case of redemption, be entitled to conveyance from the city, which conveyance shall be duly made and executed by the mayor and clerk under the seal of the city, and countersigned by the controller, which conveyance,

Conveyance to be made in one year.

How executed.

Record of. when so executed, shall be entitled to record in the office of the register of deeds of St. Clair county, and upon the receipt of such conveyance the grantee named therein or his heirs or assignees, may apply to and obtain from said court a writ of assistance, or may take such other course as is or may be provided by law to recover possession of said land ; and such conveyance shall be *prima facie* evidence in all courts or places of the regularity and validity of the proceedings up to and including such conveyance.

Writ of assistance.

Further rules, etc., may be made. SEC. 11. The common council shall have power and authority to make such further rules and regulations by ordinance or resolution as they may deem necessary to carry into full effect the provisions of this chapter.

CHAPTER XX.

MISCELLANEOUS.

Obligations and property of the city of Port Huron. SECTION 1. The corporation created by this act shall pay all the debts and obligations of the city of Port Huron, and all property, real and personal, choses in action and rights of all kind, of said city, are hereby absolutely vested in the corporation created by this act.

Suits. SEC. 2. All suits instituted or commenced by or against the city of Port Huron may be prosecuted to the end thereof for the benefit of the corporation formed by this act.

This act not to invalidate certain acts done, etc. SEC. 3. This act shall not invalidate any legal act done by the council of the city of Port Huron, or any officer of said city now or heretofore in office, and all ordinances, by-laws, and regulations, resolutions and rules of the common council shall remain in force until altered, amended, or repealed by the common council or by this act.

Judge or justice may act in suits where city is interested. SEC. 4. Any judge or justice of the peace elected by the citizens of the city of Port Huron shall be competent to act in suits where said city is a party ; and all citizens of the city of Port Huron shall be competent to act as jurors in all cases in which said city is a party, except in cases herein otherwise provided for.

Citizens may be jurors. SEC. 5. The records of the common council, or a copy thereof, certified by the clerk, under the seal of the corporation, shall be presumptive evidence in all courts and proceedings of the due passage of any ordinance, and of its being duly published ; and copies of all papers, duly filed in the city clerk's office, certified by him, under the seal of the corporation, shall be evidence in all courts and places.

Printed ordinances evidence. SEC. 6. All ordinances and by-laws of the common council, printed by their authority, and also in the written record thereof shall, in all courts and places and proceedings, be received without other proof as *prima facie* evidence thereof, and of their legal enactment and publication.

Officers continue in office. SEC. 7. All officers of the city of Port Huron, who are in office at the passage of this act, shall continue to exercise the duties of their respective offices until the expiration of the time for which they were elected, or until their successors shall be qualified.

SEC. 8. All suits to recover penalties or forfeitures, for the violation of any ordinance, shall be brought in the name of "The City of Port Huron," and no person shall be disqualified from acting in any capacity on the trial thereof, on account of being a citizen of said city. How suits to be brought.

SEC. 9. The records and minutes of the proceedings of the school board, and the books in which they are kept, shall be received in, and be *prima facie* evidence of all matters therein recorded. Records of school board evidence.

SEC. 10. Any person who shall knowingly or willfully vote at any ward caucus held by any political party for the nomination of ward officers, or for the election of delegates to any city, district, or county convention, and who shall not be a qualified elector of the ward in which the caucus is held, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail, or Detroit House of Correction, for a term not exceeding three months. The proceedings under this section shall be the same as under the State laws for other misdemeanors. Penalty for illegal voting.

SEC. 11. The common council shall have power to pay all officers of said city authorized by this act, or approved by said common council, such salaries as said council deem proper. Salaries of city officers.

SEC. 12. All acts and parts of acts relating to the city of Port Huron inconsistent with this act are hereby repealed. Acts repealed.

SEC. 13. The assessment roll for eighteen hundred eighty-five, upon confirmation by the common council, shall be the assessment roll for the corporation hereby organized for all purposes, until a new assessment is made. Assessment roll for 1885.

SEC. 14. In all cases not otherwise provided for, persons convicted of any offense before a justice of the peace of said city, may appeal to the circuit court for St. Clair county, in the same manner and with like effect as from convictions before justices of the peace under the laws of the State. Appeal.

SEC. 15. The notice required in section four of chapter three of this act, of elections, etc., shall not apply to the first election, under this act, and such election shall be as valid for all purposes as though such notice was given. Notice not required.

SEC. 16. The accounts and demands of all persons against the city shall be verified by affidavit when required by the common council or any committee thereof, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the council, or other person authorized to administer oaths. Accounts shall be verified by affidavit, etc.

SEC. 17. No bond or note, or other obligation or evidence of indebtedness of said corporation shall be given or issued by said corporation, or by any officer thereof in his official capacity, except as herein otherwise provided, whereby the said city shall become obligated to pay any sum of money, but the common council may endorse on all accounts which may be presented against said city, the amount allowed by them thereon. No bond, etc., shall be issued except as herein provided.

SEC. 18. No private plat or plan shall be recorded or be of any validity until approved by the common council, and such approval Plats must be approved by council.

endorsed thereon, and no such approval shall be granted by the common council, unless such plat or plan conforms to the general plan of the city.

Removals of
members of
boards.

SEC. 19. Any member of any board authorized by this act may be removed by a two-thirds ($\frac{2}{3}$) vote of the aldermen elect upon charges preferred, a due notice given and a trial had by the common council.

Lapse of time
does not give
title to street,
etc.

SEC. 20. No person shall be deemed to have gained any title, as against the city by lapse of time to any street, lane, alley, avenue, highway, common or public square or ground, or any part thereof by reason of any encroachment upon or enclosure of the same.

CHAPTER XXI.

OF BOARD OF SEWER COMMISSIONERS.

Board of sewer
commissioners.

SECTION 1. The common council shall, immediately after this act takes effect, appoint a board of sewer commissioner composed of four persons, who shall take the oath of office prescribed for city officers within ten days from date of appointment and who shall be electors of the city, three of whom shall constitute a quorum for the transaction of business. One of said commissioners shall be appointed for one year, one for two years, one for three years, and one for four years from the first Monday in June, eighteen hundred eighty-five, and annually thereafter one commissioner shall be appointed for four years.

No compensa-
tion.
Chairman.
Clerk of.
Removals from
office.

SEC. 2. Said board shall serve without compensation. It shall appoint one of its number chairman and the city clerk shall act as clerk of the board. The council may remove any commissioner for inattention to duties required of him, or for other good cause, and may appoint to fill vacancies.

General plan of
sewerage.

SEC. 3. Said board shall prepare a general plan for the sewerage of the city, to be filed with the city clerk, which shall, as far as practicable, provide for carrying the sewerage of the city into the St. Clair river, and shall recommend subdivisions of the city into sewer districts, describing them as contemplated by other provisions of this act, and for this purpose said board shall have authority, at the expense of the city, to employ competent engineers, draftsmen, and assistants.

Sewer districts.

May employ en-
gineers, drafts-
men, etc.

Sewers must be
constructed in
accordance with
plan

SEC. 4. When the plan of said board of sewer commissioners shall be approved by the common council, no sewer shall be ordered or permitted by the council except strictly in pursuance of such plan, and until a plan shall be made by said board and approved by said council as aforesaid, no sewer or drain emptying into sewers that empty into Black river shall be ordered or permitted by the council except for the purpose of drainage into sewers already constructed, from the district now accommodated by said sewers and assessed for construction of same.

No sewer to be
ordered in the
future to empty
into Black river.

Board to give
the council ad-
vice as to im-
proved methods
of drainage, etc.

SEC. 5. Said board shall, from time to time, advise the common council of improved methods of drainage, construction of sewers, traps, basins, and connections, and as to other matters which in the judgment of said board may tend to the improvement of the system

of sewerage of the city or to the advantage of the public, and may from time to time submit for the approval of the council such changes in said general plan of sewerage as they deem best, having reference always to the desirability of emptying sewers into the St. Clair river.

This act is ordered to take immediate effect.

Approved June 17, 1885.

[No. 391.]

AN ACT to amend section one of Article V, act number two hundred and fifty-nine, session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Clio," relating to "of the president of said village," and subdivision twelfth and twentieth, of section two, Article VI, of the same act, relating to "of the board of trustees," and to add a new section to Article XII of the same act to stand as section nine, relating to "of the limit of taxation."

SECTION 1. *The People of the State of Michigan enact*, That section one of article five of act number two hundred and fifty-nine, session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Clio," relating to "of the president of said village," and subdivision twelve, of section two of article six of the same act, relating to "of the board of trustees," and to add a new section to article twelve of the same act to stand as section nine, relating to "of the limit of taxation," be and the same are hereby amended to read respectively as follows: Section amended and added.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

SECTION 1. The president shall be the chief executive officer of the village, and be deemed a member of the village board and be subject to the like duties and responsibilities of trustee; but he shall not be allowed a vote on any question, except to break a tie, in which case he shall give the casting vote. President of village.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

SECTION 1. The board of trustees shall have full power within said village: Board of trustees, powers and duties of.

First, To declare and define the powers and duties of the officers of said village whose powers and duties are not specifically prescribed in this act;

Second, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other

officers as they shall deem proper to require security from in the discharge of official duty;

Third, To provide for the care, custody, and preservation of the public property of said village;

Fourth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them;

Fifth, To establish fire limits within which no wooden building shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith-shops, planing establishments, bakeries, and other buildings extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same;

Sixth, To prevent vice and immorality; to preserve peace and good order; to establish and maintain a competent police; to prevent the violation of the Sabbath, and to require all saloons, drinking-houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gambling tables, or any other device or instruments for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation, or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors, and drunkards to be apprehended and punished, and for that purpose may use the common jail of the county of Genesee;

Seventh, To prevent the selling or giving away of spirituous or fermented liquors;

Eighth, To license and regulate theaters, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, peddlers, hucksters, and pawnbrokers, or prohibit them from soliciting patronage of the community, within the limits of said village;

Ninth, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the streets unfastened;

Tenth, To prevent and remove nuisances, and to punish persons for committing the same;

Eleventh, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance or obstruction;

Twelfth, To regulate the storage of powder, naphtha, nitroglycerine, combustible oils, lumber, wood, and other combustible materials, and shall have full power to require the removal of the same whenever the board shall deem the same hazardous or dangerous to adjoining property;

Thirteenth, To prevent the use of fire-arms, slungshots, metal knuckles, and other weapons;

Fourteenth, To restrain horses, cattle, sheep, swine, mules, and other animals, geese and other fowls, from going at large in the

streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

Fifteenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

Sixteenth, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend ;

Seventeenth, To prevent the erection and provide for the removal of all buildings deemed unsafe;

Eighteenth, To compel the setting, to regulate the placing, and to provide for the preservation of hitching posts and shade trees, and to pay out of the highway fund a sum not exceeding twenty-five per cent of the highway tax, collected on the lots or premises adjacent to the said hitching posts and shade trees;

Nineteenth, To purchase and hold suitable lot or lots of land, within or without corporate limits for the purpose of a village cemetery or cemeteries ; and make such rules and regulations for the protection, preservation, and improvement of the same as they may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchasers a good and sufficient deed in the corporate name of said village, which deed shall be signed by the president and countersigned by the clerk ;

Twentieth, To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-holder, common victualer, and saloon-keeper, and to impose such fees for such license as the board of trustees may see fit, and to tax or suppress billiard and pigeon-hole tables, or other gaming devices, and to impose penalties upon all persons engaged in any such occupation or business without such license: *Provided*, The above shall in no wise be construed to authorize the sale of spirituous liquors.

ARTICLE XII.

SECTION 9. A separate roll shall be made by the assessor, as provided in section one of article thirteen of the highway and poll tax as directed in sections two and three of this article, and the board of trustees as provided for in article thirteen shall review and by their warrant require the street commissioner to have the work performed or collect the same as now or hereafter provided by the statute for the performance of highway labor by overseers of highways.

Ordered to take immediate effect.

Approved June 17, 1885.

[No. 392.]

AN ACT to incorporate the public schools of Oscoda.

Territory.	<p>SECTION 1. <i>The People of the State of Michigan enact,</i> That all the territory and lands situated in the township of Oscoda and including also graded school district number one (1) of said township of Oscoda, shall constitute a single school district, to be known and designated as the "Public Schools of Oscoda," and such district shall have all the powers and privileges conferred upon school districts and union school districts by general law; and hereafter all schools organized therein in pursuance of this act, under the direction and regulation of the school board, shall be public and free to all children actual residents within the limits thereof, between the ages of five and twenty-one years inclusive.</p>
Public schools of Oscoda.	
Powers and privileges.	
Officers.	<p>SEC. 2. The officers of said district shall consist of a president and six trustees. The term of office of the president shall be one year, and of each of the trustees three years. The president and</p>
Term.	two trustees shall be elected at the annual meeting of the district, to be held on the second Monday in July in each year. At the
When elected.	<p>annual election held on the second Monday in July, in the year eighteen hundred and eighty-five, a president shall be elected, and also two trustees for the term of three years, and one trustee for the term of one year. And said election shall be held in accordance with the provisions of this act, and the president and trustees so elected, together with the trustees of said graded district remaining in office and their successors, shall constitute the board of education of said schools. Said board of education shall annually elect</p>
Board of education. Secretary and treasurer.	<p>from their number a secretary and treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the director and assessor of school districts in the State, and the powers and duties of said president shall be the same as those of the moderator of such school districts, except as [so] far as the same are varied or modified by the provisions of this act, or other acts relating to said district. The annual meeting of said</p>
President.	<p>board for the election of secretary and treasurer shall be held on the first Monday of September in each year, and such election shall be by ballot. Said board shall have power to fill any and all vacancies that may occur in their number, or in the officers appointed by them until the next annual meeting of the district. The president</p>
Annual election of secretary and treasurer.	
Vacancies filled by board.	<p>and trustees shall severally accept their respective offices and enter upon the duties thereof within five days after their election, except where such trustee is elected to succeed a trustee who at the time of such election is secretary of said board; in which case such trustee shall enter upon his duties the first Monday of September following such election.</p>
When president and trustees to enter upon duties of office.	
Powers and privileges of.	<p>SEC. 3. Said board of education shall have all the powers and privileges conferred upon district and union school district boards by general law, and all the powers and duties of the first board of school inspectors of the township of Oscoda shall be transferred to said board, who shall be, <i>ex officio</i>, the board of school inspectors of said township of Oscoda, and shall make their reports directly</p>
To report to whom.	

to the clerk of the county of Iosco. Said board of trustees shall before hiring any teacher, examine into his or her qualifications, and all teachers employed by said board shall be considered as legally qualified, without any further examination by or certificate from the county board of examiners.

May examine teachers.

Certificate from county board unnecessary.

SEC. 4. It shall be the duty of said board to provide all necessary appendages for the school-houses and to keep the same in good condition and repair, to establish and maintain a district library, and for that purpose they may take and hold the library books, fixtures, and furniture now held and possessed by said graded school district. They shall have power also to fence and improve the school grounds and build necessary out-houses, to provide apparatus and materials for scientific teaching, to employ superintendents, teachers, janitors, and librarian; to determine the length of time during which a school shall be held in said district in each year, and the number and sex of teachers to be employed by them; to purchase other books for said library; to establish, locate, and maintain a high school, grammar and primary schools, and generally, to do all things needful and desirable for the maintenance, prosperity, and success of the schools in said district, and the promotion of the thorough education of the children therein. It shall be the duty of said board to apply for and receive from the county treasurer, or other officers holding the same, all moneys appropriated for primary schools and the district library of said district to adopt by-laws and rules for their own procedure, and to make all needful rules and regulations for the control and management of the schools of said district and the said district library. Said board shall keep accurate account of all expenses incurred by them, and all claims for such expenses shall be audited by said board and paid by the treasurer out of any money provided for that purpose, on the order of the secretary countersigned by the president of said board. Said board shall present at each annual meeting of the district a statement of the amount of all receipts and disbursements for the school year, and it shall be the duty of said board to make an estimate of the amount necessary to be raised in addition to other school funds for the entire support and maintenance of such schools for the ensuing year, including the expenses for the management of said library and any indebtedness of said district, and on or before the first Monday in October the secretary shall certify such amount to the supervisor or supervisors of said district or any township, village, or city from which said district shall in part be formed, and the same shall be levied, collected, and returned in the same manner as other taxes.

Powers and duties of board of education.

Secretary to certify amount to supervisors.

To be levied and collected as other taxes. Treasurer's bond.

SEC. 5. The treasurer of said district, within ten days after his election and before he shall enter upon the duties of his office, shall give a bond to the district in such sums and with such sureties as shall be approved by the school board for the faithful discharge of the duties of said office and to account for and pay over all moneys that shall come into his hands by virtue of such office; and he shall have power, by suit at law, under the direction of the district board, in the name of the public schools of Oscoda, to collect

To collect all moneys due district.	all moneys due said district from the several township, village, or city collectors, or for tuition of scholars who are not actual residents of said district, or that may be due said district in any other manner whatever. Said bond shall be filed with the secretary of said board.
Bond to be filed with secretary.	
Who shall keep record of proceedings, etc.	SEC. 6. The board of education shall require the secretary to keep a record of its proceedings and of the rules and by-laws it may from time to time enact; and to do and transact all other business that shall be required of him by said board. For which labor he shall receive such compensation as the said board shall determine by a vote at any regular meeting.
Compensation.	
All property transferred to and liabilities assumed by.	SEC. 7. All lands, school-houses, and sites, together with the furniture, library, property, effects, and estate of graded school district number one, aforesaid, both real and personal, and all debts or demands due or owing to said district, are hereby transferred to and declared the property of the public schools of Oscoda, and all bonds, debts, and obligations, dues and contracts of said school district shall be and they are hereby declared the debts, dues, and contracts for the public schools of Oscoda, and shall be binding on said public schools according to the respective terms and conditions thereof.
Suits may be brought by or against.	SEC. 8. Suits may be brought by or against the public schools of Oscoda on all contracts, obligations, debts, bonds, or demands due and unpaid from or to said school district number one, aforesaid, in like manner as they might have been by or against said school district, if this act had not been passed.
Annual meeting.	SEC. 9. The annual meeting of said district shall be held on the second Monday of July in each year.
Board of inspectors composed of whom.	SEC. 10. The moderator, director, and assessor of graded school district number one, aforesaid, shall constitute a board of inspectors for the purpose of conducting the annual election of said schools on the second Monday of July, eighteen hundred and eighty-five, and in all elections thereafter the president, secretary, and treasurer of said board shall constitute such board of inspectors. In case any of said inspectors shall be absent, any other members of the board of education may act on said board of inspectors, and in case of their absence any electors may be chosen.
Clerk of election.	SEC. 11. Said board of inspectors shall, before opening the polls, appoint a suitable person to act as clerk of the election, and said clerk, so appointed, shall take the constitutional oath of office, which oath either of said inspectors may administer, and the clerk so appointed, and each inspector so chosen shall receive two dollars for his services at said election, to be paid by the treasurer of said board of education.
Compensation of, and inspectors.	
Ballot box. Opening of the polls.	SEC. 12. Said board of inspectors shall provide a ballot box at the expense of said district and open the polls at such place within said district as the district board shall designate, giving public notice as required by law for annual meetings of school districts. Said polls shall be opened at three o'clock in the afternoon or as soon thereafter as may be on the day of annual school meeting and shall continue open until eight o'clock in the evening, but said
Notice.	
Time of opening, closing, and adjournment.	

inspectors may adjourn the polls at five o'clock P. M. for one hour, in their discretion.

SEC. 13. The qualification of male electors shall be the same as at general elections, and the qualification of female electors, and of persons holding office, shall be the same as is or may be provided by the general school laws for school districts, and each person offering to vote, shall deliver his or her ballot to one of the inspectors, in presence of the board, who shall deposit the same in the ballot box.

Qualification of electors.

Ballot to be delivered to inspector, etc.

SEC. 14. If any person offering to vote at such election, shall be challenged as unqualified by any legal voter in said district, one of the inspectors shall declare to the person so challenged the qualifications of a voter, and if such person shall state that he or she is qualified, and the challenge shall not be withdrawn, the said inspector shall tender him or her an oath in substance as follows:

Challenge of voters.

"You do swear (or affirm), that you are twenty-one years of age, that you are an actual resident of this school district, and are legally qualified to vote at the general elections in this State." Or he or she may take the following oath: "You do swear (or affirm), that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are liable to pay a school district tax therein." Or he or she may take the following oath, to wit: "You do swear (or affirm), that for the past three months you have been an actual resident of this school district, or residing upon territory now attached to this school district, and that you are the parent or legal guardian of one or more children, now included in the school census of this district." And any person taking either of said oaths shall be permitted to vote at such election.

Form of oath to be administered.

SEC. 15. If any person so challenged shall refuse to take such oath, his or her vote shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury.

Cause for rejecting vote.

Perjury.

SEC. 16. The clerk of the election shall keep a poll list, which shall contain the names of all the electors voting at such election, and at the close of the polls the inspectors shall immediately proceed to canvass, and ascertain, and publicly declare the result of the election, which canvass shall be public, and the two persons found to have received the largest number of votes at such election shall be deemed duly elected trustees. The business of said meeting, other than the election, shall be transacted immediately after the result of the election is declared.

Poll list.

Canvass.

Who deemed elected.

Business of meeting, when to be transacted.

SEC. 17. The public schools of Oscoda, aforesaid, shall have power to take, accept, and hold any real or personal estate by gift, grant, bequest, or devise, for any purpose connected with the schools of said district, or for the benefit of said library, and said board of education shall use and appropriate the same for the purposes and uses mentioned in the instrument giving, granting, or devising the same, and for no other purpose.

May hold real or personal estate.

To be appropriated to purpose designated.

Library, property of corporation and open to residents.

SEC. 18. Said library shall be and remain the property of the corporation created by said act, and shall be for the benefit of and be open to all actual residents of said school district, under such rules, regulations, and restrictions as the board shall from time to time make and ordain.

This act is ordered to take immediate effect.

Approved June 17, 1885.

[No. 393.]

AN ACT to establish a board of building inspectors in and for the city of Detroit, and to define its powers and duties.

Board of building inspectors.

SECTION 1. *The People of the State of Michigan enact*, That there shall be a board of building inspectors in and for the city of Detroit, which shall consist of three competent mechanics or architects, resident electors of the city of Detroit, whose term of office shall be three years, who shall devote their entire time to the duties of their office, and who shall not be engaged or interested directly or indirectly in the building business, and who shall be appointed by the board of councilmen upon the nomination of the mayor. The first board under this act shall consist of Henry Spitzley, whose term of office shall expire on the first day of July, eighteen hundred and eighty-six; Edward W. Simpson, whose term of office shall expire on the first day of July, eighteen hundred and eighty-seven; and Patrick H. McWilliams, whose term of office shall expire on the first day of July, eighteen hundred and eighty-eight; or until their successors are appointed and qualified, and at the expiration of their terms respectively their successors shall be appointed for the full term of three years. Either of said inspectors may be removed for cause by a two-thirds vote of the board of councilmen.

Term of office.

Not to engage in the building business.

By whom appointed.

First board composed of whom.

Removal for cause.

President of.

Quorum.

May adopt rules, etc.

Office for, at which books to be open, etc.

Duty of board to examine halls, etc., once each year.

SEC. 2. The board of building inspectors shall annually appoint from their own number a president and a secretary. Two members of said board shall constitute a quorum for the transaction of business, and shall have power to adopt such rules and regulations for its own use as it may deem necessary to effect the object of its organization. An office shall be provided for said board by the common council of said city, in which proper books shall be kept and shall be open to the public, showing a complete and detailed record of all its proceedings.

SEC. 3. It shall be the duty of the said building inspectors to make, at least once in each year, a thorough examination and inspection of all halls, opera-houses, theatres, and buildings for amusement and recreation, school-houses, churches, manufactories, work-shops, stores, blocks for offices, hotels, boarding-houses, tenement buildings, stands, platforms, freight or passenger elevators and buildings or structures of every kind in the city of Detroit used or intended to be used or occupied by public gatherings of people, with reference to the safety of such building and structure for the purpose for which designed, and for the speedy and safe

egress of the persons therein and thereon assembled in case of sudden alarm or danger. In addition to such regular inspection of said buildings and structures, it shall also be the duty of said inspectors to promptly inspect any building or structure of whatever character when a complaint is made or it comes to their knowledge that said building or structure is unsafe. On complaint.

SEC. 4. All buildings mentioned in the preceding section, more than two stories high, shall be provided with a sufficient number of strong iron balconies at each story, level with the floors, with openings from the buildings thereto, and with strong iron ladders or stairs firmly attached to the sides of such building, close to, and easily accessible from each balcony, or with other suitable fire escape, to be approved by said inspectors. In any store or building in the city of Detroit in which there shall exist or be placed any hoistway, elevator, or well-hole, the openings thereof through and upon each floor of said building shall be provided with and protected by a substantial railing, and also with good and sufficient trap-doors, opening and closing automatically as the elevator passes from floor to floor: *Provided, however,* That such hoistway, elevator, or well-hole may be enclosed in brick or by substantial wood-work, furred, lathed, and plastered, or sheathed with corrugated iron. All exit doors and all doors leading from assembly rooms to halls and passage-ways to the exterior of public halls, theatres, churches, and buildings used for public assemblages of any kind, shall swing outward, and it shall be unlawful for any person to place chairs, benches, or seats in the aisles or passage-ways in such buildings while occupied or in use for any public assemblage or entertainment. Balconies, fire escapes.
Hoistway, elevators, etc.
Proviso.
Doors to swing outward.
Chairs, etc., not to be placed in aisles, etc.

SEC. 5. Whenever the said inspectors shall approve of any building or structure above mentioned, they shall so certify in writing, and deliver such certificate to the owner or person in charge of such building or structure. Such certificate shall state for what period of time and purpose and to what extent such building or structure is approved. Inspector's approval.

SEC. 6. No owner, occupant, lessee, manager, officer, or person having the control of any building or structure mentioned in section three of this act shall use or permit or suffer the same to be used or occupied for any of the purposes in said section designated without having first obtained the certificate mentioned in the preceding section, or shall use or permit such use thereof after the expiration of the time for which such certificate was given, or shall make any alterations, additions or changes in the interior of such buildings or structures after the granting of such certificate without the written consent of said inspectors. Building not to be used until certificate of approval is obtained, nor after its expiration.
No alterations to be made without obtaining consent.

SEC. 7. Any building or buildings, part or parts of a building, staging, or other structure in the city of Detroit, that, from any cause, may now be, or shall at any time become hereafter, dangerous or unsafe, shall be taken down and removed, or made safe and secure in the manner following: Immediately upon such unsafe or dangerous building or buildings, or part or parts of a building, staging or structure, being so reported by any of the inspectors, the Unsafe buildings.
To be entered upon docket.

- same shall be immediately entered upon a docket of unsafe buildings, to be kept by said inspectors, and the owner, or some one of the owners, executors, administrators, agents, lessees, or any other person or persons who may have a vested or contingent interest in the same, shall be served in the order named with a printed or written notice containing a description of the premises or structure deemed unsafe or dangerous, requiring the same to be made safe and secure, or removed, as the same may be deemed necessary by the said inspectors, which said notice shall require the person or persons thus served to immediately certify to the inspectors his or their assent or refusal to secure or remove the same. If the person or persons so served with notice shall immediately certify his or their assent to the securing or removal of said unsafe or dangerous building, premises, or structure, he or they shall be allowed until twelve o'clock noon of the day following the service of such notice, in which to commence the securing or removal of the same; and he or they shall employ sufficient labor and assistance to secure or remove the same as expeditiously as the same can be done; but upon his or their refusal or neglect to comply with any of the requirements of said notice so served, then a further notice shall be served upon the person or persons heretofore named, and in the manner heretofore prescribed, notifying him or them that a survey of the premises named in the said notice will be made at the time and place therein named, which time may not be less than twenty-four hours or more than three days from the time of the service of the said notice, by three competent persons, to consist of the president of the board of inspectors, the president of the board of public works, and a third person who shall be appointed by the person or persons thus notified, upon whose neglect or refusal to appoint such surveyor, however, the said other two surveyors may make such survey, and in case of a disagreement, shall appoint a third person to take part in such survey, who shall be either a practical builder or architect, whose decision shall be final. In case such building shall be found to be unsafe, the city attorney shall then apply to the superior court for an order directing that such building shall be taken down or made safe, and the clerk of said court shall issue a citation to the owners, agents, or persons thus served, to appear and show cause why such order should not be granted by said court.
- SEC. 8.** To enable said inspectors to fully discharge their duties they are authorized to enter into and upon any building or structure of the nature herein mentioned, and no person shall hinder, impede, or obstruct the said inspectors in the performance of any duty hereby imposed.
- SEC. 9.** Whenever any person or corporation shall commence the erection of any building, or additions to any building already erected, to be used for any of the purposes mentioned in section three hereof, the said building inspectors may examine such building or additions from time to time as they may deem fit, and in case any such building is being erected contrary to the provisions of any city ordinance regulating buildings, or in such manner or of such material as to render the said building defective and insufficient
- Notice, service of upon whom.**
- Time allowed in which to commence securing or removal.**
- Further notice.**
- Survey to be made, when and by whom.**
- In what case city attorney to apply to superior court for an order to take building down or make it safe.**
- Authorized to enter into or upon any building, etc.**
- Right of appeal.**

in strength or safety, the said inspectors may notify the owners and builders thereof, and may refuse to said owners their certificate as provided for in section five until such defects shall have been properly made good or remedied. If said owner or owners are dissatisfied with the decision of the said inspectors, said owner or owners may appeal to the board provided for in section seven, who shall hear and decide the controversy, and whose decision shall be final.

SEC. 10. The said board of building inspectors shall report in detail to the board of aldermen at the end of each month the work performed by them and all information with reference thereto, and shall submit to the said board in December of each year a summary of their work of the preceding year.

Report of board of building inspectors.

SEC. 11. The members of said board of building inspectors shall be paid such salary for their services under this act as the common council of the city of Detroit shall determine, but not to exceed twelve hundred dollars per annum, such salary to be paid out of a fund to be constituted and raised for that purpose. All the services of said board of building inspectors as herein designated shall be without costs, fees, or charge to the owner or persons controlling the building or structure inspected by them.

Salary of, out of what fund paid.

Without cost to the owner of the building.

SEC. 12. Any and all persons who, after having been personally served with the notice of violation as hereinbefore prescribed, shall fail to comply therewith, and shall continue to violate any of the several provisions of this act, or who shall be accessory thereto, shall be deemed guilty of a misdemeanor, and upon conviction of such offense, shall be fined in a sum not exceeding one hundred dollars, or may be imprisoned for a term not to exceed ninety days. For each and every month in which any of the provisions of this act continue to be violated, the person or persons so violating may be complained of as for a distinct offense, and punished as herein provided.

Failure to comply with notice of violation, a misdemeanor.

Penalty.

Distinct offense.

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Act repealed.

Ordered to take immediate effect.

Approved June 17, 1885.

[No. 394.]

AN ACT to amend an act to incorporate the city of Owosso, approved February fifteenth, eighteen hundred and fifty-nine, and acts amendatory thereof, and to repeal sections twenty-nine, one hundred and ninety-six, and one hundred and ninety-seven of said act.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-nine, one hundred and ninety-six, and one hundred and ninety-seven of act number two hundred and fifteen of the session laws of eighteen hundred and fifty-nine, approved February fifteenth, eighteen hundred and fifty-nine, being an act entitled "An act to incorporate the city of Owosso and acts amendatory thereof,"

Sections repealed.

Sections
amended.

be, and the same are hereby repealed, and that sections three, four, seven, eight, nine, ten, eleven, twelve, sixteen, twenty-one, twenty-two, twenty-three, twenty-five, twenty-seven, thirty-one, thirty-two, thirty-eight, forty, forty-three, forty-nine, fifty-six, fifty-seven, fifty-nine, sixty, sixty-one, sixty-two, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-three, seventy-seven, eighty-seven, ninety-one, ninety-two, ninety-three, ninety-four, ninety-six, one hundred and fifty-eight, one hundred and sixty-four, one hundred and ninety-eight, one hundred and ninety-nine, two hundred and seven, two hundred and thirteen, two hundred and fifteen, and two hundred and twenty, of said act number two hundred and fifteen of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Owosso," approved February fifteenth, eighteen hundred and fifty-nine, as amended by act number one hundred and eighty-nine of the session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, as amended by act number seventy-four of the session laws of eighteen hundred and sixty-five, approved February twenty-second, eighteen hundred and sixty-five, as amended by act number four hundred and seven of the session laws of eighteen hundred and sixty-nine, approved April second, eighteen hundred and sixty-nine, as amended by act number three hundred and eighty-five, of the session laws of eighteen hundred and seventy-five, approved May third, eighteen hundred and seventy-five, as amended by act number three hundred and fifty-seven of the session laws of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven, as amended by act number three hundred and seventy-seven of the session laws of eighteen hundred and eighty-one, approved May ten, eighteen hundred and eighty-one, be and the same are hereby amended so as to read as follows:

Division into
wards, bound-
aries thereof.

SEC. 3. The said city shall be divided into four wards, to wit: The first ward shall embrace all that portion of said city included within the following boundaries, namely: All that portion north of the center of Main street and west of the center of Washington street, according to the recorded plat of the village of Owosso; the second ward shall embrace all that territory included within and lying north of the center of Main street and east of the center of Washington street; the third ward shall embrace all that territory lying south of the center of said Main street and east of the center of said Washington street; the fourth ward shall embrace all that portion lying south of the center of said Main street and west of the center of said Washington street: *Provided*, That the common council shall have the power to change the boundaries of any of said wards by a vote of all the aldermen elect.

Proviso.

Appointive officers,
to be.

SEC. 4. The officers of said city, to be nominated by the mayor to the common council and confirmed by the same, shall be one auditor, one marshal, and watchman, not to exceed one for each ward, of whom one shall be designated as captain of the watch, one health physician, and so many fire wardens, common criers, pound-masters, inspectors of fire wood, weigh-masters and auc-

tioneers, as the common council shall from time to time direct, and such other officers as may be necessary to carry into effect the powers granted by this act; whose powers and duties, other than those defined in this act, shall be such as shall be prescribed by ordinance or resolution of the common council: *Provided, That* Proviso. the mayor may nominate to the common council one street commissioner whenever the common council shall by resolution, by a majority of all the aldermen elect, so determine: *Provided further,* Proviso. That until such street commissioner shall be so nominated and confirmed, the city marshal shall perform the duties of the office of street commissioner.

SEC. 7. At each annual election there shall be elected one mayor, Elective officers. one clerk, one treasurer, and one supervisor at large. Such election to be conducted in the same manner as other elections in said city. And there shall also be elected two directors of the poor, each of whom shall hold his respective office for one year; also, at said election, the electors of each ward in said city shall elect one alderman, who shall hold his office for two years, and until his successor is elected and qualified. There shall also be elected annually, in said city, one school inspector, who shall hold his office for two years, and until his successor shall be elected and qualified; and also, at each annual election, there shall be elected by the electors of each judicial district, one constable, who shall hold his office for one year; and also, at each annual election, there shall be elected by the electors of each judicial district, one supervisor, who shall hold his office for one year; and at each fourth annual election, there shall be elected by the electors of each judicial district, one justice of the peace, who shall hold his office for four years. The first and fourth wards shall be the first judicial district, and the second and third wards shall be the second judicial district, for the purpose of electing supervisors [supervisor], justices of the peace, and constables, and for no other purpose.

SEC. 8. At the first meeting of the common council after their election, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices in this section named, the mayor shall nominate to the common council, to be confirmed by the same, two commissioners for the city cemetery or cemeteries, one of whom shall hold his office for the term of two years, and one of them for the term of one year, and the term of each shall be designated by the mayor when so nominated, and annually thereafter the mayor shall nominate to the common council, to be confirmed by the same, one commissioner of the city cemetery, who shall hold his office for two years; the common council may appoint at the first or some subsequent meeting, one of their number as president of the common council, who, in the absence of the mayor, shall preside at the meeting of said council and otherwise perform the duties of the mayor during his absence. The president shall hold his office during the pleasure of said council. The mayor may also nominate to the common council, to be confirmed by the same, the watchmen for said city, not to exceed one for each ward, one of whom the mayor shall designate as captain of the watch, to hold

Nomination of appointive officers, vacancy, etc.

Cemeteries, commissioners.

President of council.

Mayor may nominate, etc.

	their respective offices during the pleasure of said council. The mayor may also, at the first annual meeting of the council after their election, or as soon thereafter as may be, nominate to the council, to be confirmed by the same, one health physician, to hold his office for one year, and so many fire wardens, common criers, pound-masters, weigh-masters, inspectors of fire-wood, and auctioneers, as the common council shall deem necessary, each to hold his office during the pleasure of the common council. The common council may contract with a counselor at law to perform such services as may be required of him as attorney and counselor at law of said city for such period, not exceeding one year, and for such compensation as the common council may, from time to time, by resolution determine: <i>Provided</i> , That in case the common council shall twice reject or refuse to confirm any nomination so made to them by the mayor, the mayor shall at the next regular meeting thereafter nominate some other person for the same office: <i>And provided further</i> , That any person nominated and confirmed for any office under the provisions of this act, shall hold his office until his successor is nominated, confirmed, and qualified, unless otherwise provided.
City counselor.	
Proviso, in case of non-confirmation of nominations of mayor.	
Proviso, term of appointive officers.	
Vacancies in appointive offices.	SEC. 9. When, either by death, resignation, or removal of the incumbent a vacancy occurs in any of the offices which are filled by nomination by the mayor and confirmation by the common council, the said mayor and common council may fill such vacancy, as hereinbefore provided, for the remainder of the unexpired term for which such officer was nominated and confirmed.
Removals in appointive offices.	SEC. 10. All officers appointed by the mayor and common council, by the provisions of this act, may each be removed from office by the common council for official misconduct, or for the unfaithful or insufficient performance of the duties of his office, but notice of the charges against him, and an opportunity of being heard in his defense, shall first be given.
Time for opening and closing of polls.	SEC. 11. On the day of election, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at eight o'clock in the morning and shall be kept open, without intermission or adjournment, until five o'clock in the afternoon, at which hour they shall be finally closed.
Qualifications of electors, etc.	SEC. 12. The inhabitants of said city, being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths now provided by the laws of this State to be administered in case of challenge at general and special elections, which oath shall be administered to him by one of the inspectors of election. And if any person shall swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury.
Ballot.	SEC. 16. The ballot shall contain the names of persons designated as officers for the city, district, and ward. SEC. 21. The person receiving the greatest number of votes for

any office in said city, district, or ward shall be deemed to have been duly elected to such office; and if any officer, except alderman of the ward, shall not have been chosen by reason of two or more candidates having received an equal number of ballots, the common council shall, by ballot, elect such officer from the two candidates having the highest number of votes; and if two or more shall have an equal and the greatest number of votes for alderman of the ward, the officers presiding at such election shall forthwith determine by lot which shall be deemed elected.

Who deemed
elected—in case
of tie.

SEC. 22. All officers elected as hereinbefore provided shall enter upon the duties of their respective offices on the second Monday following such election, except as hereinafter provided.

Term of office
to begin.

SEC. 23. The common council shall meet on the first Wednesday after the annual election, and determine the persons elected to office, and it shall be the duty of the clerk of said city, as soon as practicable, and within three days after the meeting of the common council, as above provided, to notify the officers in writing, respectively, of their election, which notice shall be under the seal of the city, and the said officers so elected and notified, as aforesaid, shall, within five days after such notice, take the oath of office prescribed by the constitution of this State before some officer authorized by law to administer oaths, and file the same with the clerk of said city.

Determination
of result of
election, etc.

Officers elected
to file oath.

SEC. 25. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman, the common council may, in their discretion, fill such vacancy by the appointment (which shall be by nomination and confirmation as hereinbefore provided for appointive offices) of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the third Monday of April next succeeding; if an elective office, which shall have become vacant, was one of that class whose terms of office continued after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Vacancies, ex-
cept aldermen.

SEC. 27. Every person chosen or appointed to office, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the city clerk, a notice in writing, signifying his acceptance of such office.

Notice of ac-
ceptance of
office to be filed.

SEC. 29. Repealed.

Section re-
pealed.

SEC. 31. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the mayor subject to the approval and acceptance of the common council.

Resignations.

SEC. 32. At city elections, every elector shall vote in the ward where he shall have resided ten days next preceding the day of election. The residence of an elector, not being a householder, under this act, shall be the ward where he boards or takes his regular meals.

Where electors
to vote.

Residence.

SEC. 38. No ordinance or resolution passed by the common council shall have any force or effect if on the day of its passage, or on

When mayor may suspend ordinance from taking immediate effect, etc.

Veto by mayor, etc.

When ordinances to take effect.

Limitation of penalties that may be prescribed for violation of ordinances.

Prosecution for violation of ordinances, etc.

the next day thereafter, the mayor or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer legally exercising the office of mayor, shall within three days after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation unless it shall, at a subsequent meeting of the common council, be passed by a concurring vote of two-thirds of all the members of the common council then in office, exclusive of the mayor, and if so re-passed, shall go into effect according to the terms thereof. If such reasons in writing shall not be lodged with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the common council for any of the purposes mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage.

SEC. 40. In the proceedings of the common council each member present shall have one vote, except the mayor, who shall have the casting vote in case of a tie.

SEC. 43. A majority of the common council shall be a quorum for the transaction of business; but no tax or assessment shall be ordered, nor any nomination approved except by a concurring vote of a majority of all of the members of the common council, and the common council shall prescribe the rules for its proceedings.

SEC. 49. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty, not exceeding one hundred dollars (unless the imposition of a greater penalty be herein otherwise provided), for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Shiawassee county for any term not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Owosso, and prosecutions for violations of the ordinances of the city may also, in all cases except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by the laws of this State in criminal cases cognizable by justices of the peace, and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon trial of the cause, and in procuring the attendance and testimony of witnesses, and in rendition of judgment and the execution thereof, except as otherwise provided by this act, shall be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace in this State. If the accused shall be convicted, the court shall ren-

der judgment thereon and inflict such punishment, either by fine or imprisonment, or both, as the court may order; and the city of Owosso shall be allowed the use of the jail of the county of Shiawassee for the confinement of all persons liable for imprisonment under the ordinances of said city: *Provided*, That every person so as aforesaid convicted, may be sentenced, committed, conveyed, and confined in the Detroit House of Correction in like manner as provided by the general laws of the State of Michigan regulating sentence by justices of the peace to said house of correction.

SEC. 56. The common council shall have power, whenever, in their opinion, the necessities of the city require, to construct a city watch-house, city hall, and city market or markets, and to appoint the keepers, clerks, and necessary officers thereof, and shall locate such city watch-house, city hall, and city market or markets within the city limits, and may make such regulations concerning the same as the common council may think proper. The common council shall have full authority and power [power and authority] to sell and convey the public squares in said city, and shall apply the proceeds of such sales to the purchase and improvement of a public park, and to no other purpose.

Power of common council to construct city hall, markets, etc., and to appoint clerks, keepers, etc.

May sell the public squares, proceeds to be applied to.

SEC. 57. The common council shall have and exercise in and over said city the same powers in relation to regulation of taverns, groceries, common victualers, saloon keepers, and others as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages in relation to tavern keepers and common victualers, and subject to the same conditions and limitations in addition to the powers herein otherwise granted; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries, and common victualers, shall be deemed applicable to this city, unless otherwise limited. No person shall engage in or exercise the business or occupation of tavern keeper, inn holder, common victualer, or saloon keeper, within the limits of said city, until he is first licensed as such by the common council; and any person who shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay such sum or sums as the common council shall by ordinance determine, for every day he shall exercise such occupation or business. The common council shall have power to grant licenses, to authorize persons to exercise the business of tavern keeper, inn holder, common victualer, or saloon keeper, within said city, and may impose such fees, to be paid into the city treasury, on the granting of such licenses, as they may see fit. The common council shall have power to grant licenses to all persons who are not actual residents of said city, vending or disposing of merchandise, either at wholesale, retail, or at auction, and no person shall engage in the sale of merchandise at wholesale, retail, or at auction, without first having obtained a license for the same in accordance with the provisions of the ordinances of said city. The common council shall provide by ordinance for the licensing of the business of the sale of merchandise, and the full

Regulation of taverns, groceries, saloons, etc.

Saloon keeping, etc., prohibited without license obtained first.

Penalty for violation.

May grant licenses for.

amount or amounts paid by any individual or firm for license for such business shall be a credit to such firm or individual on the taxes for the then current year, levied on the general tax roll according to the provisions of the ordinances of said common council. The common council shall provide by ordinance for the regulation and licensing of exhibitions, entertainments, performances, and shows within the limits of said city, and all entertainments by traveling persons, for which an admittance fee shall be charged, shall pay into the city treasury such license fee as shall be fixed by said ordinance.

Annual auditing and settling of accounts by common council.

Financial statement to be made.

SEC. 59. On the second Monday in the month of April of each year the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments for opening, paving, planking, repairing, and altering streets and buildings, and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

To be signed by.

Published.

Duty of mayor.

SEC. 60. The said statement shall be signed by the mayor and the clerk, and filed with the papers of the city; the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, previous to the first day of May thereafter.

SEC. 61. It shall be the duty of the mayor to take care that the laws of the State, and the ordinances of the common council, be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient to expedite such as shall be resolved upon by them, and, in general, to maintain the peace and good order and advance the prosperity of the city.

Official bonds, books, records, etc.

SEC. 62. All official bonds of said city shall be deposited with the clerk of the city for safe keeping, and it shall be his duty to deliver the same and also all books, records, seals, files, and papers, of which by this act he is made the custodian, to his successor in office.

Authority of mayor and aldermen as conservators of the peace.

SEC. 64. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such, shall each have and exercise all the power and authority of justices of the peace.

SEC. 65. The accounts and demands of all persons against the

city shall be verified by oath, and shall set forth the items thereof, in detail, which oath may be taken and certified by any member of said common council. Accounts, etc., against city, how stated.

SEC. 66. The clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained; he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, and the number of such license and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license; no license for any purpose granted shall be valid until thus countersigned by the clerk. The clerk shall also perform such other duties as this act shall direct, or which may be directed by ordinance of the common council: *Provided*, That the clerk shall not act as auditor of the city. Duty of clerk. Proviso.

SEC. 67. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct; all moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant, signed by the clerk and countersigned by the auditor; such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, all orders drawn upon the treasury, in a check book to be kept by him for that purpose; the books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city; the treasurer shall exhibit to the common council at the last regular meeting before the third Monday of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed and published in the same manner as provided for in section forty-one of this act; and, in case such account shall be found to be incorrect, the same, when corrected, shall be published as above provided. Duty of treasurer.

SEC. 68. The attorney or counselor of the city shall perform such duties and exercise such powers as shall be assigned to him by the common council by an ordinance or resolution duly enacted. Duty of attorney.

SEC. 69. The city marshal shall be superintendent of the city, and it shall be his duty (until a street commissioner shall be appointed by the council, as hereinbefore provided, and also in case of a vacancy in the office of street commissioner) to superintend, under the general direction of the common council, all work to be done or performed or ordered or required to be done or performed upon, or in Duty of marshal.

relation to any of the public streets, walks, bridges, sewers, or public pumps, reservoirs, or grounds of said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council shall be required, and shall have the power of a sheriff or constable for the service of a criminal process, and all other powers of a sheriff or constable in the conduct of criminal proceedings before a justice of the peace; and the city marshal and all watchmen provided for under this act, while in the performance of their duties, shall have power to arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of this State, or the ordinances of said city, and forthwith take such person before the proper magistrate, or court, for examination or trial, and may arrest and imprison persons found drunk in the streets or any public place until they shall become sober.

Justices of the
peace, jurisdic-
tion, etc.

SEC. 70. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Shiawassee, and shall have in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers, and duties conferred on justices of the peace in townships, and shall enter upon the duties of their offices on the fourth day of July succeeding their election:

Proviso.

Provided, The justice of the peace in the first district of the city of Owosso shall hold his office until the fourth day of July, eighteen hundred and eighty-five, and the justice of the peace in the second district of the city shall hold his office until the fourth day of July, eighteen hundred and eighty-seven: *And provided further*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts when the plaintiff or defendant, or one of the plaintiffs or defendants, reside in said city or either of the townships adjoining said city or in the township next adjoining the townships of Owosso or Caledonia.

Proviso.

Idem.

SEC. 71. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services when engaged in cases for the violation of the ordinances of said city, such fees as are provided by the general laws of this State for fees of justices of the peace in criminal cases; same to be audited, allowed, and paid by the common council.

Idem.

SEC. 73. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of Owosso with one or more sufficient sureties to be approved by the common council of said city, which approval shall be endorse on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and to make his report as in this act required; which bond shall be filed in the office of the clerk of said city.

Duty of con-
stabiles.

SEC. 77. The constables of said city shall have and receive the same fees, and have the like powers and authority in matters of

civil and criminal nature, as is conferred by law upon constables in the several towns of this State, and shall give like security.

SEC. 87. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed and which shall be as follows, to wit: To the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding two hundred dollars per annum; to the city treasurer, a sum not exceeding one hundred dollars per annum; to the city marshal, as superintendent of streets and highways, a sum not exceeding two dollars per day, and at that rate for any part of a day, for every day by him actually spent in the performance of such duties; to each alderman of said city (as such) a sum not exceeding one dollar per annum; to the city auditor, a sum not exceeding one hundred dollars per annum; and they may also establish the fees or salary to be paid to all other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Salary of city officers.

SEC. 91. The several supervisors provided for in this act, shall represent the city in the board of supervisors of the county, and shall be entitled to all the rights, privileges, and powers, and shall be subject to all the obligations of supervisors of townships.

City representation on county board of supervisors, etc.

SEC. 92. The supervisor of each judicial district shall complete the tax roll and deliver the same to the mayor by the first day of June, who shall deliver the same, with his warrants, to the treasurer within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such treasurer as required by law, and in this act provided; but if such security shall not have been given by such treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who shall give the requisite security, to collect such tax roll, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers and shall perform all the duties, and shall be subject to all the liabilities in this act conferred upon the treasurer, for the purpose of collection and return and paying over such taxes.

Duty of supervisor.

Proviso.

SEC. 93. For the collection of all such taxes, the treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the laws of this State for the fees of township treasurers of the several townships, to be collected in the same manner.

Fees for collector of taxes.

SEC. 94. The supervisor of each judicial district shall, in each and every year, make and complete the assessment of all the real and personal property within each ward of said city, in the same manner as required by law for the assessment of property in the several townships of this State; and in so doing shall conform to the provisions of law governing the action of supervisors of the several townships of this State, performing like services, and in all

Assessment of property, etc.

- other respects within said city shall, unless when otherwise provided in this act, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property and levying of taxes; but they shall make and complete the assessment of the real and personal property within each judicial district to which he is elected in said city before the fourth Monday in May, and for that purpose shall call upon each taxable person and furnish him a blank form, as required by law for assessment of property in the townships, on or before the second Monday in May. It shall be the duty of the supervisors of the several judicial districts of said city to meet at the clerk's office on the Saturday next preceding the fourth Monday in May of each year, who shall be a board for the purpose of reviewing, correcting, equalizing, and completing the assessments for said city. The said supervisors shall also, in each year, within twenty days after the time required by law for the completing of their assessment rolls, make and file with the city clerk of said city a true and certified copy of the assessment roll for such year, and such city clerk shall receive and file the same in his office.
- Board of review.** SEC. 96. Within five days after the aldermen of each ward shall have been notified (as directed in the last preceding section) of the amount of general tax to be raised in their respective wards, they shall report to the common council and mayor the sum required to be raised in their several wards for local improvements, and such sum shall be levied and assessed by the mayor upon the taxable property of such ward, in addition to the general tax; shall be collected by the treasurer and expended by the city marshal, or street commissioner, under the direction of the common council, for the local improvements in such ward in [for] which it was so raised.
- Filing of rolls.** SEC. 158. The supervisor of each judicial district of said city shall, on or before the fifteenth day of May in each year, furnish the common council with a list, subscribed by him, of the names of all the inhabitants of such ward who are liable to be assessed for highway taxes.
- General tax, levy and collection of.** SEC. 164. The moneys so collected and paid into the treasury, as aforesaid, shall constitute the highway fund of said city, and shall be applied as follows:
- List of persons liable to highway tax.** *First,* The marshal, street commissioner, or the street inspectors of the several ward districts, under the general supervision of the marshal, or street commissioner, as the council shall direct, shall at all times keep the streets, bridges, culverts, or drains allotted to them to oversee, in thorough repair and free from obstructions; they shall report on oath to the common council, once in each month, which report shall contain an accurate statement of the amount of labor performed and the expense necessarily incurred for material, and the streets upon which the same was performed, or expense incurred, and their charges for the same;
- Highway fund.** *Second,* The common council shall examine such report, and if satisfied of its correctness and that the charges therein made are just and reasonable, they shall accept it and order it filed; but if
- How to be applied.**

they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lie upon the table one week, and if not withdrawn by filing a notice in writing to that effect with the city clerk, in that time, they shall accept it and order it filed as corrected by them;

Third. When any such report is filed the mayor shall draw an order on the highway fund to the amount of such charge in said report, payable to said inspector, street commissioner, or marshal, as the case may be, which order shall be countersigned by the auditor, and on presentment the city treasurer shall pay the same, if there be money in the treasury belonging to such fund, and enter the same to the debit of such fund, in a book to be kept by him for that purpose.

SEC. 196. Repealed.

Repealed.

SEC. 197. Repealed.

SEC. 198. The common council of the city of Owosso shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, and all amendments thereto, so far as the same are applicable and consistent with this act. They may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Common council to have power, etc., of boards of health.

SEC. 199. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and, in addition thereto, the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act; and the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

Board of health may be established, etc.

SEC. 207. The members of said board of health, when appointed, shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Compensation of.

SEC. 213. For the purpose of building, maintaining, and repairing the bridges over the Shiawassee river, on Main and Washington streets, within said city, the township of Owosso, and the said city, shall be deemed the township of Owosso, and shall be subject to all the provisions of the general laws of the State relative to the building, maintaining, and keeping in repair such bridges: *Provided*, That the street commissioner, if there be one, and if not, then the marshal of said city, together with the commissioner of highways of the said township of Owosso, shall have joint control of the erection and repairing of said bridges.

Bridges, maintenance, etc.

Provided.

SEC. 215. The common council of the said city shall have power,

May borrow
money or levy
tax for fire
engine, etc.

Proviso.

Interest on un-
paid taxes.

and are hereby authorized to borrow money or to levy a tax or taxes and cause the same to be assessed on the taxable property of the city, for the purpose of procuring a fire engine or engines and apparatus for the use of said city, or to pay for any other machinery, apparatus, or contrivance adapted to the extinguishment of fires in said city, or to pay for works, engines, machinery, and apparatus for supplying said city with water for the extinguishment of fires, and for other purposes: *Provided*, That no such loan shall be made or tax levied except by a vote of a majority of the aldermen of said city, and also a vote of a majority of the voters of said city, to whom the question of borrowing money for such purpose or levying such tax shall be submitted in the manner provided by law.

SEC. 220. The common council shall have the power to charge interest at a rate not exceeding ten per cent per annum, after the return of any tax or assessment, and ten per cent per annum from the time of sale, on the amount of any assessment or tax, for the non-payment of which any lands, tenements, or hereditaments may be sold, and upon the amount to be paid upon the redemption of any such real estate and premises so sold.

This act is ordered to take immediate effect.

Approved June 17, 1885.

[No. 395.]

AN ACT to amend certain sections of an act entitled "An act to organize Union school district of Bay City," approved March twenty, eighteen hundred sixty-seven.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, and nine of an act entitled "An act to organize Union school district of Bay City," be and the same is hereby amended so as to read as follows:

Territory in-
cluded in dis-
trict.
Union school
district of Bay
City.

SECTION 1. Said city shall constitute one school district, which shall be a body corporate, by the name and style of "Union school district of Bay City." The district of country in the county of Bay and State of Michigan, hereinafter more particularly described, shall constitute the city of Bay City, and also the "Union school district of Bay City" aforesaid, said district being included within the following described limits, to wit: Beginning at a point in the middle of the Saginaw river where the section line between sections fourteen and fifteen, in township fourteen north, of range five east, crosses said river; thence southerly on the line between said sections fourteen and fifteen, and sections twenty-two and twenty-three, twenty-six and twenty-seven, in said township, to the quarter line of said section twenty-seven; thence westerly to the center of said section twenty-seven; thence southerly on said quarter lines of said section twenty-seven, and of section thirty-four, to the center of section thirty-four, in said township; thence westerly on the quarter line to the west section line of said section thirty-four; thence southerly on the section lines between sections thirty-three

and thirty-four, in said township, to the southeast corner of section thirty-three; thence westerly on the line between section thirty-three and section four to the quarter line of said section four, in township thirteen north, of range five east; thence southerly on the quarter line of sections four and nine to the center of said section nine; thence westerly on the quarter line through said section nine and section eight, in said last named town, to the center of the Saginaw river; thence northerly and easterly along the center line of said river to the place of beginning. Under the name and style aforesaid of "Union school district of Bay City," said school district may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relative to corporations so far as the same may be applicable; and such district shall have all the powers and privileges conferred upon union school districts by the general laws of this State, all the general provisions of which relating to common primary schools shall apply and be in force in such district, except such as shall be inconsistent with the provisions of this act or with the by-laws and ordinances of the board of education hereinafter mentioned. All schools organized in said district shall be open and free to all children residing within the limits of said city between the ages of five years and twenty years, inclusive, and to such other persons as said board of education shall by special permission admit.

May sue and be sued.

Powers and privileges.

Free to all resident children between what ages.

Special permission may be given to others. Election districts.

School meeting to be held when and where.

SEC. 2. Said union school district is hereby divided into seven election precincts or districts for election purposes. Each of such election districts shall be respectively one of the wards of said city. On the first Monday of September next, at two o'clock in the afternoon of that day, and every year thereafter at the same hour, there shall be an annual school meeting in each of the wards of said city, to be held at the various school-houses in said wards, or at such other place in each ward as the board of education may designate; but if any other place than a school-house is so designated, at least ten days' notice of such designation shall be posted up in three of the most public places in said ward previous to the date of such meeting. At the first election after this act shall take effect, two members of said board shall be elected, one for one year, and one for two years, by ballot or otherwise, as the meeting itself may determine, and the term of each member of said board on such election shall be determined by the electors present at such meeting, and at each annual school meeting thereafter one member of said board shall be elected in a similar manner, who shall hold his office for two years. The members of said school meeting present and entitled to vote thereat shall elect three inspectors of election, one of whom they shall designate as chairman, who shall make a certified statement under their hand and seal, of persons elected members of said board of education, and of all other questions decided at such meeting, and shall return the same to the recorder of Bay City, who shall receive and keep the same on file. Every person of the age of twenty-one years, including women, who has property liable to assessment for school taxes in such school dis-

Ten days' notice.

First election.

Inspectors of election.

Chairman.

Certified statement of persons elected.

Who are entitled to vote.

trict, and who has resided in said city for three months preceding such school meeting, and all other persons who are twenty-one years of age and are the parents or legal guardians of any children included in the school census of the district, and who have for three months as aforesaid been residents of said city, and who have the qualifications of electors under the general school laws of this State, shall be entitled to vote in the ward in which they may reside, on all questions arising at said meeting.

Oath of office.

SEC. 3. The members of the said board so elected as provided in the preceding section, shall within ten days thereafter take and file with the recorder of said city the constitutional oath of office. In case a vacancy occurs the common council shall fill the same for the remainder of the unexpired term, which vacancy shall be filled by election at the next annual school meeting thereafter.

Vacancy.

Power and duty of board.

SEC. 9. Said board shall have the power and it shall be their duty annually, on or before the twentieth day of July in each year, to determine by vote, which said vote shall be entered on the records of their proceedings, the amount of money necessary to be raised by tax on the property of said district to defray the expense of schools of said district for the current year, and the amount to pay the interest and principal of any debt due in such year for such district; also the amount of money necessary to build or repair any school-house in said district, and shall at once notify the common council of said city thereof; and the common council of said city shall within fifteen days thereafter review and consider the amounts so voted by said school board, and order and determine that the same, or such part thereof as they may deem sufficient, shall be raised by tax for the current year, and the determination of said council shall be final, and the said council shall cause the amount so voted by themselves to be assessed by the comptroller upon said property in the first general tax roll thereafter made, and the assessment of such tax for said district shall be in a separate column in said roll, and the same shall be collected at the same time and in the same manner as the other taxes in said roll mentioned: *Provided*, That the amount which may be raised by tax in any one year for the expense of schools of said district, exclusive of such sum as may be required to pay the principal and interest of the funded debt of said district, shall not exceed the sum of two per cent on the assessed valuation of said district, according to the assessment of the previous year.

Proviso.

Ordered to take immediate effect.

Approved June 17, 1885.

[No. 396.]

AN ACT to incorporate the public schools of the village of Ovid, Clinton county.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the present limits of school district num-

ber nine, fractional, of the townships of Ovid and Middlebury, be and the same is hereby set off from the public schools of the townships of Ovid and Middlebury and declared to be a single school district, which shall be a body corporate by the name and style of "The Public Schools of Ovid," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws. And all schools in said district and all schools hereafter organized therein in pursuance of this act, shall be public and free to all persons actual residents within the limits thereof above the ages of five years: *Provided*, That nothing in this section shall affect or interfere with the proper grading of the said schools of the said district.

Territory detached from and organized into school district.

Public schools of Ovid.

Powers.

Proviso.

SEC. 2. The officers of said district shall consist of five trustees, who shall constitute the board of education of said district, and whose term of office shall be three years each and until their successors are elected and qualified. This section or any part of this act shall in no way effect the term of office of the board as now constituted. Said trustees shall be elected by written or printed ballots at the annual school meeting on the second Monday of July in each year. The terms of office of the following trustees as indicated herein shall not be affected by this act: W. H. Faxon's term expires second Monday of July, eighteen hundred and eighty-five, John Sower's term at the same time; Adam Beattie's term expires the second Monday in July, eighteen hundred and eighty-six; the terms of Charles Cowan and Daniel Thompson expire the second Monday in July, eighteen hundred and eighty-seven. Nothing in this act shall prevent the re-election of the above named officers.

Board of education.

Term of present officers not affected. How and when elected.

Term of following officers not affected.

SEC. 3. The said trustees shall meet at such place as may be agreed upon within ten days after such election, and organize by electing from their own number a president, secretary, and treasurer, who shall severally hold their offices for one year from said second Monday of July, and until their successors are elected and qualified, and may at any time fill any vacancies that may occur in the office of trustee until the next annual election, and each trustee so chosen shall qualify within ten days.

Trustees to organize when.

What officers to be elected and for how long. May fill vacancy.

Trustee to qualify when.

SEC. 4. The majority of the members of said board shall constitute a quorum for the transaction of such business as may come before said board. And meetings of said board may be called at any time on the request of the secretary or two members of said board. All records and papers of said district shall be kept in the custody of said secretary, and shall be open to the inspection of any legal voter of said district.

Quorum.

Calling of meetings.

Custodian of district records and papers.

SEC. 5. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings, and furnish same, with a majority vote of the electors at an annual school meeting, or of a special meeting called for such purpose, and said board shall have power of themselves to employ teachers, provide books for district library, provide essential appar-

Board of education, power and authority of.

atus for said schools, to provide books necessary for indigent children, to make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law, so that said district may be entitled to its proportion of the primary school fund, and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to regulations of schools, and the books to be used therein, and generally do all things needful and desirable for the maintenance, prosperity, and success of the schools of the said district and the promotion of the thorough education of the children thereof; and it shall be the duty of the said board to apply for and receive from the county treasurer, or other officer holding the same, all moneys appropriated for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary.

Board of school inspectors.

SEC. 6. The said board shall be the board of school inspectors for said district, and as such shall be required to make such reports as the boards of school inspectors are required to make. And all teachers employed by said board of education shall first be inspected by a committee consisting of the superintendent of said schools and such other person or persons as the said board may designate, and if found qualified shall receive a certificate in the form which may be prescribed by said board, and no other inspection or certificate shall be required to authorize such a person to teach within such district.

Inconsistent sections inoperative, all others in force.

SEC. 7. All sections of the general laws are and the same shall be inoperative as to the said district if inconsistent with this act, but all sections of the general laws not inconsistent with this act are and the same shall remain in full force and effect in said district.

Ordered to take immediate effect.

Approved June 18, 1885.

[No. 397.]

AN ACT to provide for the collection of certain ditch or drain orders issued for the construction of a ditch on the township line between Clyde and Ganges, in Allegan county.

PREAMBLE.

Preamble.

WHEREAS, The drain commissioners of the townships of Ganges and Clyde, in the county of Allegan, did, on the twenty-second of October, in the year of our Lord, eighteen hundred and seventy-seven, enter into a contract with Edward M. Kenter to construct in a good workmanlike manner a ditch on the township line between said townships of Ganges and Clyde, described as follows, to wit: "Commencing on the south side of Mud Lake, in said townships, and running south on the township line six hundred and twenty-

five rods to Black river, said ditch to be twelve feet wide on top, eight feet wide on the bottom and thirty inches deep, so graded as to carry the water from said ditch freely. All excavated earth to be removed at least eighteen inches from either side of said ditch, known as the town line ditch. Said ditch to be constructed for the sum of one dollar and thirty-nine cents per rod;”

AND WHEREAS, Said ditch was duly constructed by the said Edward Kenter, according to the terms of said contract, and orders were issued to him for the amount due for said work, to wit: The sum of eight hundred and sixty-eight dollars and seventy-five cents; of which the sum of four hundred and twenty-four dollars and sixty-seven cents was issued by the township of Ganges, and four hundred and forty-four dollars and eight cents was issued by the township of Clyde;

AND WHEREAS, The said drain commissioners did make assessments upon the property benefited, for the costs of the construction of said ditch, which were spread by the supervisors of the respective townships, but have remained unpaid with the exception of a small amount;

AND WHEREAS, The lands cannot be sold to pay said tax in consequence of a doubt as to the validity thereof;

AND WHEREAS, The records of the proceedings of said drain commissioner in locating said ditch and in procuring the right of way therefor are lost or destroyed; now, therefore,

SECTION 1. *The People of the State of Michigan enact*, That the township drain commissioners of the townships of Clyde and Ganges of the county of Allegan are hereby authorized and required upon presentation to either of them of a petition signed by five free-holders of either township asking them to proceed to examine the ditch known as the town line ditch, described as follows, to wit: Commencing on the south side of Mud Lake and running south on the township line between said townships of Clyde and Ganges to Black river, and to ascertain and to determine whether said ditch is necessary and for the good of the public health; to proceed within ten days thereafter to examine said ditch and ascertain and determine whether the same is necessary and for the good of the public health, and if in the opinion of said commissioners said ditch is necessary and for the good of the public health, they shall make an order so determining and attach the same to said petition, which petition and determination shall be kept by the commissioner to whom the petition was presented. Duty of township drain commissioners.

SEC. 2. It shall be the duty of said commissioners within ten Idem. days after such determination as aforesaid to ascertain and determine whether releases have been obtained for the right of way for said ditch, and in case all shall not have been obtained for such right of way or cannot be found, they shall endeavor to procure the same of the owner or owners thereof, if known, which said releases shall be in writing, signed and acknowledged by the owner of the land, before some officer authorized to take acknowledgments of deeds, and shall describe the right of way necessary for

Board of
inspectors.

Inconsta
section
operat
others

Preamble

prescribed, and as though no proceedings had been heretofore had under this act.

SEC. 6. Said commissioners shall be duly sworn to faithfully and impartially examine said ditch and determine the necessity thereof; and if they shall find said ditch necessary and for the good of the public health, to determine the just compensation that should be paid to the owners of the land respectively through which said ditch passes for the right of way, and shall meet at the time and place ordered by said court and proceed at that time or at any time to which they may adjourn to view said ditch and the premises through which the right of way is sought to be acquired by said application, and shall determine whether said ditch is necessary and for the benefit of the public health and the necessity for taking the premises described in said application for said ditch and the just compensation to be paid therefor to the owner or owners of said land respectively.

SEC. 7. Said commissioners shall make return in writing of their determination and award in the premises signed by them, within ten days after such determination, and shall deposit the same with the drain commissioner with whom the original petition and determination has been deposited, and thereupon, it shall be the duty of such drain commissioner to file with the township clerk of his township the original petition, and the determination of said drain commissioners thereon and all releases of right of way obtained and a copy of the application to the probate court, and the order of the probate court thereon, and the award and determination of such special commissioners, and said township clerk shall enter the same at length in the records of said township, and thereupon, if said special commissioners shall find such ditch necessary as aforesaid, such return shall be deemed a sufficient conveyance to vest the fee of the lands necessary to be taken for such drain and upon which damages are awarded, in the county of Allegan, in trust to and for the uses and purposes of drainage, and for no other purpose whatever, when the amount of compensation that may have been awarded therefor shall have been paid, or tendered, or secured to the persons entitled thereto, as hereinafter provided. And thereupon said ditch shall be deemed duly established under the name of the town line ditch and shall thereafter be deemed a public ditch and subject to the laws of this State, as such, for maintenance and all other purposes.

SEC. 8. Said drain commissioners shall then proceed to ascertain and determine the cost of the construction of said ditch and may take into consideration the orders issued therefor by the proper authorities, and shall allow interest upon the sum unpaid at the rate of seven per centum per annum and shall determine to whom the same is payable, and said commissioners shall add to the amount so due for said construction the cost and expense of this proceeding together with any amount awarded for rights of way. And shall thereupon give notice by posting in three of the most public places in each of said townships, a written or printed notice, signed by said drain commissioners, setting forth a time and place

To be sworn.

To make return within ten days.

Drain commissioner to file original petition, etc., with township clerk.

Record.

Sufficient conveyance.

Compensation to be paid, etc.

Town line ditch.

Cost of construction.

Meeting for assessing benefits, notice of.

when said commissioners will meet for the purpose of assessing the benefits that have accrued in consequence of the construction of said ditch to the townships of Ganges and Clyde respectively, and also to the different parcels of lands affected thereby, which shall not be less than ten nor more than twenty days thereafter, and said notice shall be posted at least ten days before the time of said hearing.

To determine the per cent of cost of construction, etc., for Ganges and Clyde.

SEC. 9. At the time assigned by said notice or the time to which said drain commissioners may adjourn, they shall proceed to ascertain and determine the per cent of the cost of construction and the expense of this proceeding, as the same shall have been determined under the preceding section, which should be paid by the township of Ganges for the benefit of the public health therein, and also the per cent of said cost, as aforesaid, which should be paid by said township of Ganges for the benefit of the public highways therein, and also, in a like manner, shall ascertain and determine the per cent of cost, as aforesaid, that should be paid by the township of Clyde for the benefit of the public health therein, and also the per cent that should be paid for the benefit of public highways in said township of Clyde; and each of said drain commissioners shall certify to the township clerk of his township the amount so apportioned to said township, to be spread upon said township at large, and the same shall be assessed and collected in the same manner as other township taxes.

To certify the same to the township clerk, etc.

Benefits to be ascertained and apportioned.

SEC. 10. Said drain commissioners shall also proceed to ascertain and determine the benefit to each particular description of land through which said ditch passes, or is benefited thereby, and shall apportion the balance of such cost to each particular description of land in accordance with the proportional benefit thereto. In case the amount apportioned to any distinct tract or parcel of land shall have been paid, said tract or parcel of land shall be exempt from such apportionment to the amount so paid, as aforesaid, and the same shall be deducted from the costs of said ditch; and in case the damages allowed to any owner of lands shall exceed the amount of costs apportioned thereto, the commissioner for the township in which the land is situated shall give or tender the owner thereof an order on the township treasurer of his township for the amount of such excess, and in all cases the damages awarded shall be deducted from the amount apportioned to each particular description of land to which the award was made, and such description shall only be charged with the excess.

Exempt from apportionment to the amount heretofore paid.

Damages exceeding amount of costs apportioned.

Township treasurer to tender town order for excess.

Apportionment reported by commissioner to township clerk.

SEC. 11. Such apportionment shall be reported by the commissioner of the township in which the land is situated to the township clerk of said township, which report shall be in writing and describe each particular description of land to which apportionment has been made, and the amount apportioned to the same, the amount deducted for damages to said description, if any, and the excess of such apportionment for which said description is chargeable. And said township clerk shall report the same with each particular description of land upon which such apportionment is made, together with apportionments made upon the township at large, to

Town clerk to report to supervisor.

the supervisor of his township to be spread upon the tax roll for the succeeding year. And it is hereby made the duty of the supervisor of each of said townships to spread the tax for the collection of the same upon the tax roll for the succeeding year according to the apportionment made by said drain commissioner, and to carry out the tax spread upon each particular description of land in a separate column to be designated as "town line ditch tax."

Town line ditch tax.

SEC. 12. The tax apportioned and spread upon each particular description of land, as hereinbefore provided, shall be collected by the township treasurer of each of said townships in the same manner as other township taxes, and in case the tax upon any particular description of land is not paid to said township treasurer the same shall be returned to the county treasurer and sold in the same manner as is or may be provided for lands delinquent for the non-payment of other taxes, and all taxes collected for the construction of said ditch shall be credited by the treasurer of the township in which it is raised to a fund to be known as the "town line ditch fund."

Ditch tax to be collected or returned, etc., as other taxes.

Taxes collected to be credited to town line ditch fund.

SEC. 13. All persons holding orders issued for the construction of said ditch may present the same to the drain commissioners at the time of their meeting to determine the cost of construction of said ditch, and the said commissioner shall issue new orders therefor with the interest thereupon, payable out of the tax when collected. In case any such orders shall be lost or destroyed a new order shall not be issued for it unless satisfactory proof by affidavit shall be filed, showing such loss, and also a bond in double the amount of such orders with sufficient surety or sureties, to be approved by the drain commissioners of the township issuing the same, running to said township, conditioned to protect and save harmless such township from all costs and expenses arising from said orders, and such affidavit and bond shall be filed with the township treasurer of the proper township. All the orders as aforesaid shall be cancelled before new orders shall be issued therefor. Such orders shall be issued by the drain commissioner of each township upon the township treasurer thereof for the amount of money to be raised in his township, and shall be payable out of the "town line ditch fund."

Construction orders may be changed for new orders payable out of tax.

Lost or destroyed orders.

Orders to be canceled.

By whom drawn and upon whom.

SEC. 14. When the supervisors of the said townships of Ganges and Clyde shall have spread said tax upon the tax roll of their respective townships, each of said supervisors shall certify such fact to the county treasurer for the county of Allegan, who shall thereupon cancel all entries made upon his records for the tax heretofore spread for said ditch, where the lands have not been sold therefor or the tax thereon paid. And thereafter said lands not sold, shall be relieved from all lien under said original levy of said ditch tax.

Supervisors to certify to county treasurer the spreading of tax upon roll.

Entries to be canceled.

Relieved from lien.

This act is ordered to take immediate effect.

Approved June 20, 1885.

[No. 398.]

AN ACT to amend sections three, four, and five of chapter one, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," being act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, approved June seven, eighteen hundred and eighty-three, and to add five new sections to said chapter, to be known as sections six, seven, eight, nine, and ten.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three, four, and five of chapter one of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," being act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, approved June seventh, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows:

Territorial
limits.

SEC. 3. The territorial limit of the said city of Detroit shall include all that tract of country in the county of Wayne, bounded and described as follows: Beginning at the intersection of the national boundary line in the Detroit river with a line two hundred feet easterly of and parallel with the east line of Baldwin avenue extended; thence northerly along the said last mentioned line to a point two hundred feet northerly of and at right angles to the northerly line of Mack road, so called; thence westerly on a line parallel with and two hundred feet northerly of the northerly line of Mack road, so called, to a point two hundred feet easterly of and at right angles to the easterly line of the Boulevard, so called; thence northerly on a line two hundred feet easterly of and parallel to the easterly line of the Boulevard to a point two hundred feet northerly of the northerly line of the Boulevard extended on private claim sixteen; thence westerly on a line parallel with and two hundred feet northerly of the northerly line of the Boulevard to a point two hundred feet easterly of the easterly line of Mt. Elliott avenue; thence northerly on a line parallel with and two hundred feet easterly of the easterly line of Mt. Elliott avenue and said avenue extended to a point in fractional section twenty-eight, town one south, range twelve east, said point being two hundred feet northerly of the northerly line of the Boulevard extended easterly; thence westerly on a line parallel with and two hundred feet northerly of the northerly line of the Boulevard to the easterly line of St. Aubin avenue; thence northerly along said easterly line of St. Aubin avenue to the northerly line of the Pallister road or Pallister avenue, so called; thence westerly along said northerly line of said Pallister avenue or road extended to a point one hundred and eighty-five feet westerly of the west line of Woodward avenue extended; thence southerly on a line parallel to the said westerly line of Woodward avenue to a point two hundred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard; thence westerly on a line parallel with and two hun-

dred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard to a point in section fifty-two of the ten thousand acre tract, said point being two hundred feet west of the west line of the Boulevard in section two, town two south, range eleven east, extended north; thence south on a line two hundred feet west of and parallel with the west line of said Boulevard to the northerly [line] of the private claims; thence westerly on the rear of the northerly line of the private claims to the westerly line of back concession, private claim thirty; thence westerly in a direct course to the easterly line of private claim two hundred and sixty-six, or Livernois avenue; thence southerly along [the] easterly line of private claim two hundred and sixty-six, or Livernois avenue, to the southerly line of Toledo avenue; thence westerly along the northerly line of Toledo avenue to the westerly line of Ponchertrain avenue; thence southerly along the westerly line of [said] Ponchertrain avenue to the northerly line of the Dix road; thence westerly on said northerly line of the said Dix road to the westerly line of Artillery avenue extended; thence southerly along said westerly line of Artillery avenue extended to the national boundary line in the Detroit river; and thence along the national boundary line in the Detroit river, up stream, to the place of beginning; and also all that parcel of land situated in the Detroit river and known as Belle Isle.

SEC. 4. That said city is hereby divided into the following wards: Wards.

One, The first ward shall consist of all that part of the city lying between the center lines of Woodward avenue and Beaubien street, and the said lines extended northerly and southerly to the city limits;

Two, The second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, and along the center line of Second street, and the said lines extended northerly and southerly to the city limits;

Three, The Third ward shall consist of all that part of said city lying between the center lines of Beaubien street and Hastings street, and the said lines extended northerly and southerly to the city limits;

Four, The Fourth ward shall consist of all that part of said city lying between the west boundary line of the Second ward, above described, and the center line of Crawford street, from the northerly city limits to the center of Grand River avenue, down the center line of Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits;

Five, The Fifth ward shall consist of all that part of said city lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly to the city limits;

Six, The Sixth ward shall consist of all that part of said city

lying between the west boundary line of the Fourth ward, above described, and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits;

Seven, The Seventh ward shall consist of all that part of said city lying between the center lines of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits;

Eight, The Eighth ward shall consist of all that part of said city lying between the east line of Godfroy farm and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits;

Nine, The Ninth ward shall consist of all that part of said city lying between the center lines of Dequindre street and Chene street, and the said lines extended northerly and southerly to the city limits;

Ten, The Tenth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the east line of the Godfroy farm, and the said lines extended northerly and southerly to the city limits;

Eleven, The Eleventh ward shall consist of all that part of said city lying between the center lines of Chene street and Macdougall avenue, and the said lines extended northerly and southerly to the city limits.

Twelve, The Twelfth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the westerly line of the Porter farm, and the said lines extended northerly and southerly to the city limits;

Thirteen, The Thirteenth ward shall consist of all that part of said city lying between the center line of Macdougall avenue and the center line of Mt. Elliott avenue, and the said lines extended northerly and southerly to the city limits;

Fourteen, The Fourteenth ward shall consist of all that part of said city lying between the westerly line of the Porter farm and the westerly line of private claim forty-seven, and the said line extended northerly and southerly to the city limits;

Fifteen, The Fifteenth ward shall consist of all that part of said city lying east of the center line of Mt. Elliott avenue and the said line extended northerly and southerly to the city limits, and the parcel of land situated in the Detroit river and known as Belle Isle;

Sixteen, The Sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven, and the said line extended northerly and southerly to the city limits;

SEC. 5. Hereafter the division of said city into wards as herein provided shall govern; but the common council of said city shall have power, by ordinance, to divide said wards into election districts of convenient size. The boundaries of each of said districts shall be particularly described in said ordinance. No district shall embrace parts of two or more wards, and each ward shall be divided into at least three districts.

SEC. 2. There shall be five additional sections to said chapter to

stand as sections six, seven, eight, nine and ten, and to read as follows: Five sections added.

SEC. 6. Each of said wards, fourteen, fifteen, and sixteen shall be entitled to two aldermen, and the first election for such aldermen shall be held at the next annual city charter election. One of said aldermen for each ward shall be elected for one year, and the other for two years. The term of service for which said aldermen are elected shall be designated on the ballots cast for them, and thereafter aldermen shall be elected for said wards, and they shall serve in all respects as is now or may be hereafter provided for the existing wards of said city. Other ward officers, such as are now provided for existing wards, shall be elected at said election for said new wards, whose term of office, duties, and powers shall be the same as those of like offices in existing wards. Aldermen, number, election, term and duties.

SEC. 7. The common council shall provide all necessary means for the registration of voters, and the holding of an election in said new wards at the next annual city charter election, in the manner provided by law in said city.

SEC. 8. This act shall not interfere with or affect the assessment, levy, or collection of any taxes assessed or levied during the present year, on any of the lands hereby detached from the townships of Hamtramck, Greenfield, or Springwells, but such taxes shall be assessed and collected in the respective townships to which such lands heretofore belonged, in all respects, as if this act had not passed; and said lands shall not be subject to taxation in the city of Detroit until the year of our Lord eighteen hundred eighty-six: *Provided, however,* That all said lands shall, after this act takes effect, be subject to local assessments for the grading and paving of streets, or for the building of sidewalks, drains, or sewers, in the same manner as the other territory of said city. Not to interfere with the assessment or collection of certain taxes.

SEC. 9. The territory annexed to the city of Detroit by this act shall remain a part of the school districts to which it now belongs, until July first, eighteen hundred eighty-six, and school taxes shall be levied and collected therein for the year eighteen hundred eighty-five. The taxable property annexed shall be listed, and assessed in making out the assessment rolls of the city of Detroit for the year eighteen hundred eighty-six, and in determining the amount of school taxes to be levied in the city of Detroit for the fiscal year commencing July one, eighteen hundred eighty-six, the school children in the annexed territory shall be considered, and taxes may also be levied for the construction of additional school buildings in said territory. On the first day of July, eighteen hundred eighty-six, title to all the school property, real or personal, situated in the annexed territory shall be vested in the board of education of the city of Detroit, and the school district officers shall turn the possession and control thereof over to said board. Subject to sidewalk and sewer tax, etc. School district tax therein. Assessment for 1886. School children. Title to school property to vest July 1, 1886.

SEC. 10. It shall be the duty of the board of school inspectors of each of said townships of Springwells, Greenfield, and Hamtramck, to rearrange the school districts of said townships, and to make proper disposition of the parts of the districts severed by this act Re-arrangement of school district.

Apportionment
of school prop-
erty money.

remaining it said townships. The inhabitants of the parts of said districts left in said townships shall be represented by the board of school inspectors of each township, who shall have authority to adjust with the board of education of the city of Detroit, the rights and equities involved in each case. The value of the school property and the unexpended school moneys shall be apportioned according to the assessed value of the taxable property of the respective parts of the divided districts, and the board of education of the city of Detroit shall pay to such township districts as the board of school inspectors of each township shall direct, the amount found due from it on such apportionment and adjustment. In case the board of school inspectors of any township shall not be able to agree on an adjustment or apportionment in any case, the same may be made by commissioners to be appointed by the circuit court for the county of Wayne in chancery, on the bill or petition of either party, and said court is given jurisdiction and authority to determine any and all questions that may arise in carrying out the provisions of this section and to grant such relief in the premises as may be equitable.

In case of dis-
agreement,
commissioners
to be appointed,
etc.

This act is ordered to take immediate effect.

Approved June 20, 1885.

[No. 399.]

AN ACT to authorize the city of Battle Creek to construct and maintain water-works and sewers and to establish a board of public works.

Authorized to
establish water-
works.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Battle Creek is hereby authorized to establish, construct, maintain, control, supervise, regulate, and keep in repair a system of water-works for the purpose of supplying said city with water for municipal, domestic, and other purposes, and are hereby invested with full and complete power and authority to enact, make, adopt, and enforce any and all such ordinances, by-laws, rules, and regulations as they may deem to be necessary, requisite, or expedient to carry into complete effect the power and authority hereby conferred.

Sewers, drains,
etc.

SEC. 2. Said common council may also establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials and under such rules and regulations as they may deem proper for the drainage of said city.

Board of public
works.

SEC. 3. The mayor shall have power and it shall be his duty, on the first Monday in July, in the year of our Lord eighteen hundred and eighty-five, or as soon as may be thereafter, subject to the approval of the [a] majority of the aldermen elect, to appoint five good and competent men, who are qualified electors of said city, as a board of public works, one of whom shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years, and annually thereafter on the third Monday in

[of] April in each year, or as soon as may be thereafter, one for the term of five years. The members of said board shall hold their office and perform the duties thereof until their successors are appointed and qualified; they shall take the oath of office prescribed for city officers, and file a bond for the faithful performance of their duties, in such sums [sum] as the council shall fix, with the recorder within five days after their appointment. Vacancies occurring in said board by removal, resignation, or otherwise, shall be filled by the mayor, subject to the approval of the common council, for the unexpired term.

Term of office,
of members,
oath, bond.

Vacancy, how
filled.

SEC. 4. Said board may elect from their number a president, secretary and treasurer of said board during each year, and keep and maintain an office in said city, with necessary equipments.

President, sec-
retary, treas-
urer.
Office.

SEC. 5. The board of public works shall have the control and management of the water-works and sewers of said city, whenever the same shall be constructed, and shall have the control and supervision of the construction of the same, and shall keep the same in repair. They may appoint and employ such officers, agents, and servants as they may deem necessary for the proper management of said works and sewers, and define their duties and fix their compensation, to be paid by the city.

Control of
works, etc.

Appointment of
officers, etc.

SEC. 6. Whenever the common council shall determine to construct water-works or sewers, or to enlarge or extend the same, they shall direct such board of public works to prepare and submit to such council plans, specifications, and estimates for the same, and when the said plans and specifications shall have been approved by said council, said council shall, by resolution, direct said board of public works to advertise for bids, in such manner as the resolution may prescribe, and to let the construction of such works to the lowest responsible bidder, who shall furnish adequate security and perform the said work under the supervision and direction of said board; or said board may proceed to do such work, purchasing materials and supplies, and employing labor for and in behalf of said city, as said resolution shall direct.

To submit plans
and specifica-
tions.

Approval of.
To advertise for
bids, etc.

Security.

Supervision of
work.
Board may do
the work, etc.

SEC. 7. Said board shall report monthly to the common council in relation to the progress of any work under construction or repair, and shall also furnish monthly a statement of the several sums due to that date for labor, services of agents and employes, materials, etc., or on contracts, to be verified by said board, and the accounts and claims so furnished shall be audited and allowed by the common council and orders drawn upon the proper funds for the payment of the same.

Monthly report
and statement.

To be verified.

Claims audited.

Orders to be
drawn on
proper fund,

SEC. 8. Said board shall be authorized to lay water or sewer pipes through any of the streets or public places of said city, and repair or renew the same. They may construct, maintain, and repair reservoirs, buildings, machinery, engines, pipes, jets, pumps, and fountains as they may deem expedient for the proper management and operation of such water-works and sewers, and the expense thereof shall be audited and allowed as provided in section seven, above.

Authorized to
lay pipe through
streets.

Reservoirs,
buildings, etc.

SEC. 9. The common council is hereby authorized to purchase

Authorized to purchase and hold real estate.	and hold such real estate either within or without said city as may be necessary to secure proper water supplies or sewer outlets, or for the construction or location of said water-works, sewers, or their appurtenances. In case said council shall be unable to agree with the owners of any such lands in said city for the purchase of the same, said council shall proceed to condemn the same for the public use as provided in the charter of said city, except that the entire damages, and compensation awarded for said lands shall be paid by the city.
May condemn lands.	
Diagram and plat of city for sewer purposes.	SEC. 10. Whenever said board shall be directed to submit plans and specifications for sewers or drains to said common council, they shall cause to be prepared by some competent engineer, a diagram and plat of so much of said city as in their opinion will require sewerage, showing the streets, public grounds, and lots, the location of the sewers and the depth, grade, and dimensions thereof, which diagram and plat, upon being approved by the common council, shall be kept and filed [filed and kept] in the office of the board of public works and constitute a permanent plan to which all subsequent sewers shall conform, until changed by the unanimous vote of all the aldermen elect. The board shall then cause another plat to be made according to above plan, of so much of said city as may be proposed to be then provided with sewers, and which shall include as nearly as may be the entire business portion of said city and the extension of the main or trunk sewer to some convenient point of discharge in the Kalamazoo river, and the portion of said city so included shall be known as "sewer district number one." When such last mentioned plat is completed, it shall be submitted with specifications and estimates to the common council for approval, and upon the approval of the same, the said council may by resolution order the construction of the same in the manner specified in section six above. The cost of constructing the sewers in said district shall be paid as follows: So much of the main or trunk sewer as lies outside of said district number one, or is not within the limits of any street in said district, shall be paid for by the city. The cost of constructing the sewers through the remainder of said district shall be kept and determined for each street by itself in separate account, and one-half of such cost for each street shall be paid by the city and the remaining one-half thereof be paid by the owners of property abutting upon said street in proportion to the assessed valuation of the same. Corner lots shall pay only for the sewerage on the street on which the lot fronts. One-half of the cost of constructing said sewers on each street shall be furnished by said board to the supervisor of said city on or before the first Monday in July of each year, and said supervisor shall assess the same upon the property abutting on said streets respectively in proportion to the assessed valuation thereof, and place the same in a separate column in his roll under the head of "sewer tax," and such amounts shall constitute a part of the city tax and shall be collected in the same manner and with the same remedies as other city taxes. The cost of sewers at the intersection of streets shall be paid by the city.
Unanimous vote of aldermen necessary to change.	
Another plat to be made.	
Sewer district No. 1.	
Cost of constructing sewers, how paid.	
To be furnished to supervisor when.	
To be assessed on what property.	
Sewer tax.	
What sewers to be paid for by the city.	

SEC. 11. Whenever it is deemed necessary to form other sewer districts, the same may be done in the same manner as above specified.

Formation of other sewer districts.

SEC. 12. The owners or occupants of lots or premises in streets having sewers so constructed therein, shall have the right to connect private drains or sewers therewith at their own expense, under such rules as the board of public works may prescribe, and the common council shall, if the public health at any time require it, have power to compel such owners or occupants to do so, and to fix the penalties for not doing so.

Private drains, etc., may be connected with on terms.

Common council may compel.

SEC. 13. Said board of public works shall annually on the first Monday of April, fix and determine the water rates for the year then next ensuing, and said rates shall be based as nearly as may be upon the amount of water used; such water rates shall, from and after the fixing of the same, be a continuing lien upon the lots and premises on which the water is used and charged, until paid, and the owners or occupants of the premises against which such rates are assessed, shall pay the same to the board at its office in advance at such time or times as the board may determine, and in case of default in such payment, the board may collect the same by an action of assumpsit on the common counts in the name of the city, before any court of competent jurisdiction, and shall shut off the water until the same is paid.

Water rates.

SEC. 14. The common council shall establish a fund to be known as the "Water-works fund," and a fund to be known as the "Sewer fund." The water-works fund shall consist of all water rates paid, all fines and penalties collected by the board of public works on account of water-works and such sums as may be from time to time appropriated by the common council from the general fund or from the annual city tax, or that may be received from the sale of water-works bonds. The sewer fund shall consist of all fines and penalties collected on account of sewers, the amounts collected from property owners as their proportion of the expense of construction, and such sums as may from time to time be appropriated from the general fund or city tax, or that may be received from the sale of sewer bonds.

Water-works fund.

Sewer fund.

SEC. 15. The board of public works shall annually on the first Monday in May, or as soon thereafter as may be, prepare and present to the common council careful estimates in detail of the amount of money that will be required by them for the water-works fund and sewer fund for the ensuing year; and said common council shall thereupon, by resolution, appropriate to each of said funds the amount so required respectively, either from moneys on hand in the city expense fund or from money that may thereafter come into that fund, or from the annual tax to be levied and collected for the then current year.

Estimates of water-works fund and sewer fund.

Common council to appropriate the amount required.

SEC. 16. It shall be the duty of the board of public works to monthly pay into the city treasury to the credit of the water-works fund, all moneys received by them for water rates or any other source on account of water-works, and file a detailed statement thereof verified by the oath of said board with the recorder, and

Moneys to be paid monthly into city treasury, etc.

shall make such other reports and statements as the common council may by resolution or ordinance require.

Board of public works, streets may be placed under its control.

SEC. 17. The common council may at any time by a vote of two-thirds of all the aldermen elect place the improvement, construction, and repair of all the streets, lanes, alleys, culverts, bridges, side and cross-walks, other public works or buildings of said city, in the hands and under the management and control of the board of public works.

Ordinances for protection of water-works and sewers.

SEC. 18. The common council is hereby authorized to enact, adopt, and enforce in pursuance of the provisions of its charter all necessary and proper ordinances for the protection and preservation of said water-works and sewers and their appurtenances, from molestation, injury, or destruction; to prevent unlawful or unauthorized connections therewith; to punish the polluting of water and the obstructions of water pipes or sewers; and to punish the meddling with or removal of any machinery, pipe, or fixture connected with or belonging to said water-works or sewers.

Surplus in water-works or sewer fund, how disposed of.

SEC. 19. Whenever there may be a surplus in the water-works fund or sewer fund beyond the current needs of said funds, the same may, in the discretion of the common council, be used for the payment of principal or interest upon water-works or sewer bonds or indebtedness respectively.

Must be authorized by vote of electors.

SEC. 20. Nothing in this act shall be construed to authorize the construction of water-works until the electors shall have voted upon the question as provided in section fifty-nine of the amended charter of said city.

This act is ordered to take immediate effect.

Approved June 20, 1885.

NOTE.—The words and sentences enclosed in brackets in the foregoing acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

CERTIFICATE.

STATE DEPARTMENT MICHIGAN, }
Secretary's Office. } *ss.*

I, HARRY A. CONANT, Secretary of State of the State of Michigan, do hereby certify, that the date of the final adjournment of the regular session of the Legislature of this State, for the present year, was June twentieth, one thousand eight hundred and eighty-five.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this twenty-fourth day of June, in the year of our Lord one thousand eight hundred and eighty-five.

HARRY A. CONANT,
Secretary of State.

APPENDIX.

CONTAINING

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS.

RELATIVE TO THE

ERECTION OF NEW TOWNSHIPS.

APPENDIX.

CHIPPEWA COUNTY.

In the matter of the application of certain freeholders for the organization and erection of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Chippewa by Ryerson Rutledge, Simon Parker, James Fitz Patrick, James Cummings, James Crawford, Thomas Hughes, Thomas Nixson, Mathew Donaldson, Robert Johnson, Isaac Hughes, Michael McCarron, John A. Noble, Henry McNab, David J. Ranson, Louis P. Trempe, W. S. Shaw, P. J. Byran, Louis Metzger, A. Prinzleaur, Henry Feldman, B. McEvoy, G. C. O'Neal, Chas. H. Pease, J. B. Savald, C. L. Newell, P. M. Church, Francis Lessard, Chris Mulvancy, A. Brown, C. S. Barker, W. C. Gwin, and G. H. Carleton, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted, thereupon it is ordered and determined by said board that the territory described as follows, to wit; Township forty-six north, one west, and forty-six north, range one and two east, that part of two east lying west of Hay lake; also township forty-five north, range one and two east, that part of two east lying west of Hay lake, and the four (4) north tier of sections of township forty-five north, range one, two, three, four, and five west, be and the same is hereby erected and organized into a new township, to be called the township of Bruce. That the first annual meeting therein shall be held at "Ranson school-house," on Monday, the third day of April next, and Andrew J. Smith, Ryerson Rutledge, and Simon Parker, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as

Bruce organized.

inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit: Yeas—Messrs. McKeone, Pickford, Perry, Harding, and Chas. Ripley, the chairman. Nays—Mr. Hill.

[Signed]

CHAS. RIPLEY, *Chairman*.

Sault, July 2, 1883.

GEO. W. BROWN, *Clerk*.

STATE OF MICHIGAN, { ss.
Chippewa County.

I, George W. Brown, clerk of said county and of the board of supervisors, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the 2d day of July, A. D. 1883, upon the application of Ryerson Rutledge and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record. And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
[L. S.] and affixed the seal of the circuit court for said county,
this 9th day of July, 1883.

GEO. W. BROWN, *County Clerk*.

CHEBOYGAN COUNTY.

In the matter of the application of James Shepherd and others for the organization of a new township.

Hebron organized.

It appearing to the board of supervisors of this county that application has been made and that notice thereof has been signed, posted up, and published in manner as required by law, and the board having duly considered the matter of said application, order and enact that the territory described in said application, township thirty-eight (38) north, of range three (3) west, be and the same is hereby detached from the township of Beaugrand, in said county, and that the same be and is hereby erected into a new township to be called and known as the township of Hebron. The first annual meeting thereof to be held at the school-house, on section eleven (11), township thirty-eight (38) north, of range three (3) west, in said township, on the first Monday of April, in the year of our Lord eighteen hundred and eighty-four, and that Ephraim Francis, Charles Hammon, and Charles Schenk, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as inspectors of elections at any township meeting as the law provides, and John R. Shleif is hereby appointed to post up notices according to law of the time and place of such meeting.

The said board of supervisors do also hereby determine that the place of holding the first township meeting in the town of Beau-grand, from which such new township is taken, be and the same is hereby fixed to be held at the school-house on section twenty-five (25), town thirty-eight (38) north, of range two (2) west, in said township of Beau-grand, by yeas and nays as follows:

Yeas—Barclay, Beebe, Cross, Heilman, Kissinger, McPhee, McKervery, Passeno, Sammons, and Watkins—10. Nays—0.

STATE OF MICHIGAN, {
County of Cheboygan. } ss.

I, J. P. Sutton, deputy clerk of the county of Cheboygan and of the board of supervisors thereof, hereby certify the above and foregoing is a true and compared copy of the original record now remaining in my office, of the findings and determination of the said board of supervisors relative to the erection and organization of the township of Hebron, in said county.

In testimony whereof I have this day hereunto set my hand
[L. S.] and affixed the seal of the circuit court for said county.
Dated this 8th day of January, A. D. 1884.

J. P. SUTTON,

Deputy County Clerk and Clerk of the Board of Supervisors.

In the matter of the application of certain freeholders of the township of Beau-grand, for the organization of a new township.

WHEREAS, An application has been duly made to this board by James Shepherd, J. J. Richardson, S. B. Chamberlin, John Padden, W. H. Willetts, F. J. Stimpson, James Fox, W. A. Fry, J. H. Andrews, Geo. H. Todd, W. W. Carpenter, L. J. Willets, G. W. Stimpson, Frank Scranton, W. T. Waite, Charles Wilson, and Jennie Kniffen, all of whom are freeholders and reside in the township to be affected thereby for the erection and organization of a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to the said board by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of the township to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board upon consideration thereof that the said application ought to be granted, thereupon it is ordered and determined by the said board that the territory described as township number thirty-nine (39) north, of range three (3) west, be and the same is hereby erected and organized into a new township to be called and known as the township of Mackinaw; that the first annual township meeting therein shall be held at what is known as Shepherd's hall, at the village of Mackinaw City, in said township, on the first Monday of April next, and D. B. Notson, G. W. Stimpson, and W. H. Willetts, three electors of such township, are hereby designated as the persons whose duty it shall

Mackinaw
organized.

be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as inspectors of any township meeting may exercise under the laws of this State. It is further determined and ordered that the next township meeting in the township of Beaugrand, from which such new township is taken, be held at the school-house, on section twenty-five (25), town thirty-eight (38) north, of range two (2) west, in said township of Beaugrand.

Adopted by yeas and nays as follows: Yeas—Barclay, Beebe, Cross, Heilman, Kissinger, McPhee, McKervery, Passeno, Sammons, and Watkins—10. Nays—0.

STATE OF MICHIGAN, }
County of Cheboygan. } ss.

I, J. P. Sutton, deputy clerk of the county of Cheboygan, and of the board of supervisors thereof, hereby certify the above and foregoing is a true and compared copy of the original record now remaining in my office of the findings and determination of the said board of supervisors relative to the erection and organization of the township of Mackinaw, in said county.

In testimony whereof I have this day hereunto set my hand
[L. s.] and affixed the seal of the circuit court for said county.

Dated this 8th day of January, 1884.

J. P. SUTTON,

Deputy County Clerk and Clerk of the Board of Supervisors.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, Application has been duly made to the board of supervisors of Cheboygan county by W. H. Bush, B. Avery, H. Vanloon, George Washington Ward, Jerry McCarthy, Wm. H. Cross, Edward Quinette, W. M. Gillis, John Walter, A. G. Doolittle, C. H. Hutchinson, O. S. Merrill, Reuben Kinkaid, Edwin Warner, Jonathan Buff, Thomas Crump, H. Lang, E. A. Sayles, Wm. McLaury, Chris. C. Lang, and Jas. Horner, all of whom are freeholders and reside in the township to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted, thereupon it is ordered and determined by the said board that the territory described as township number thirty-five (35) north, of range one (1) east, be and the same is hereby erected and organized into a new township, to be called and known as the township of Waverly. That the first annual meeting therein shall be held at the school-house of district number five of what is now the township of Burt in said town thirty-five north, of range one east, on Monday, the seventh day of

Waverly organized.

April, A. D. 1884, and that W. H. Bush, O. S. Merrill, and W. M. Gillis, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State, and that the chairman and clerk of this board be authorized to sign notices thereof and deliver the same to some competent person to be posted. It is further ordered and determined that the next annual meeting of the township of Burt, from which said territory is detached, be held at the same place it would be held at had these proceedings not have been had.

Adopted by yeas and nays as follows: Yeas—Barclay, Beebe, Cross, Heilman, Kissinger, McPhee, McKerver, Passeno, Sammons, and Watkins—10. Nays—none.

STATE OF MICHIGAN, }
County of Cheboygan. } ss.

I, J. P. Sutton, deputy county clerk of the county of Cheboygan and of the board of supervisors thereof, hereby certify the above and foregoing is a true and compared copy of the original record, now remaining in my office, of the findings and determination of the said board of supervisors relative to the erection and organization of the township of Waverly in said county.

In testimony whereof I have this day hereunto set my hand and affixed the seal of the circuit court for said county.

[L. s.] Dated this 8th day of January, 1884.

J. P. SUTTON,

Deputy County Clerk and Clerk of the Board of Supervisors.

CLARE COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Clare by Wm. Van Koughnett, H. C. Mickle, Wm. F. Purdy, Peter Freed, Wm. Anderson, A. R. Thurston, Wm. Lower, John Kanarr, G. A. Kanarr, J. W. Horn, James W. Coulter, Irvin Miser, Charles W. Pierson, Wm. Jerred, R. Chapman, Cyrus Applebee, M. D. Clute, C. H. Allen, James Hampton, Peter Levigne, E. J. Bates, Curtis Palmer, A. C. Allen, F. B. McLellan, J. R. Orvis, David Smalley, all of whom are freeholders and twelve of whom reside in each of the townships to be affected thereby for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted

Arthur organized.

up and published in the manner and during the time required by law; and it also appearing to said board upon consideration thereof that the said application ought to be granted, thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Town eighteen (18) north, of range three (3) west, be and the same is hereby erected and organized into a new township to be called and known as the township of Arthur; that the first annual township meeting therein shall be held at the house of Wm. Van Koughnett, on Monday, the 7th day of April next, and Wm. Van Koughnett, James W. Coulter, and H. C. Mickle, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of the State.

Adopted by the yeas and nays, a majority of all the members elected voting therefor, to wit: Yeas—Messrs. W. W. Weatherwax, J. C. Rockafellow, A. E. Doty, Frank McLellan, A. B. Toman, Jonathan Green, Geo. Graham, Wm. Gerard. Nays—.

STATE OF MICHIGAN, }
County of Clare. } ss.

I, A. E. Mack, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the 8th day of January, in the year 1884, upon the application of Wm. Van Koughnett and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record. And I further certify that the annexed is a true and correct copy of a map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
[L. s.] and affixed the seal of the circuit court for said county
this 17th day of January, 1884.

A. E. MACK, *County Clerk.*

Harrison, March 21, 1884.

The board of Supervisors of the county of Clare met (pursuant to a call signed by W. W. Weatherwax, William Gerard, and A. B. Toman) at the county clerk's office in the village of Harrison, this 21st day of March, 1884, at one o'clock P. M. Board called to order, Supervisor Weatherwax in chair. Roll called, and the following supervisors were present: W. W. Weatherwax, J. C. Rockafellow, Arthur E. Doty, Frank McLellan, Nelson Sturgis, Jonathan Green, William Gerard, George Graham. Supervisor Rockafellow offered the following:

In the matter of the application of certain freeholders for the erection and organization of a new township:

WHEREAS, Application has been duly made to the board of supervisors of the county of Clare by George Emsley, T. J. McClellman, Chauncy C. Sears, Thomas Croak, S. T. Ross, A. R. Bush, Wilholm Holtz, Sidney Hill, Steven Southwell, C. L. Mabie, H. M. Stock, Freeman Black, G. M. North, F. M. Bassett, E. B. Calkins, B. E. Calkins, James M. Calkins, R. Stockwell, L. S. Chalker, Amos B. Toman, D. Sturgis, George Sturgis, R. Gibson, Nelson Sturgis, S. A. Camp, Jay Sturgis, John Bursley, P. Cary, F. Duross, B. Cary, John Rosecrans, Edgar Durfee, Alexander Spencer, Leister Dillingbeck, A. McCracken, George H. McCracken, William Cary, Walter H. Kellogg, all of whom are freeholders, and twelve of which reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board, by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted, thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Town twenty (20) north, of range three (3) west, be and the same is hereby erected and organized into a new township, to be called and known as the township of Franklin; that the first annual township meeting therein shall be held at the hall of George Emsley, on Monday, the 7th day of April next, and George Emsley, Chauncy C. Sears, and William A. Delavan, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of the State.

Franklin organized.

Adopted by the yeas and nays, a majority of all the members elected voting therefor, to wit: Yeas—W. W. Weatherwax, J. C. Rockafellow, A. E. Doty, Frank McLellan, Nelson Sturgis, Jonathan Green, Geo. Graham, Win. Gerrard. Nays —.

STATE OF MICHIGAN, }
County of Clare. } ss.

I, A. E. Mack, county clerk of the aforesaid county, do hereby certify that the above is a true and correct copy of record now remaining in my office.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of said county, at Harrison, this 11th day of April, A. D. 1884.

A. E. MACK, *Clerk.*

EMMET COUNTY.

Special meeting of the board of supervisors of Emmet county, Michigan, held at the court house, in the village of Harbor Springs, in said county, on Monday, the 17th of March, 1884, at ten o'clock in the forenoon, pursuant to the call according to law.

In the matter of the application of Allen C. Wright, J. M. Morris, W. W. Loomis, John Watchtel, Soren Olsen, Charles E. Walters, L. S. Jennings, W. A. Shephard, A. B. Sperry, E. J. Town, Robert Shideler, A. M. LaBarron, J. St. Peters, E. M. Cole, James A. Haugh, Louis LaCroix, A. M. Hall, O. H. Shurtliff, Samuel Morris, A. T. Bennett, N. G. Buett, W. M. Shurtliff, John Shurtliff, Allen DuParo, and John Wagby, for the erection of a new township.

It appearing to the board of supervisors that application has been made and notices thereof have been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, to wit: The following described territory be detached from the township of Cross Village and organized and erected into a new township to be called the township of Egleston: Township thirty-seven (37) north, of range four (4) west.

And the board further ordered and enact that the first township meeting thereof shall be held at the house of Allen C. Weight, in the village of Pellston, in said township, on the first Monday of April next, and that Allen C. Weight, Alexander W. Shephard, Wallace W. Loomis, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and execute the same powers as the inspectors of election at every township meeting, as the law provides.

The above was adopted by the following vote: Ayes—Supervisors James Buckley, Franklin Keiser, J. D. Rawdon, C. H. Swartwout, J. E. Wagby, P. H. Budlong, George W. Drake, G. O. Richardson, Scott Williston, and Job Rohr—10. Nays—0.

JAMES BUCKLEY,

Chairman of the Board.

ALBERT L. HATHAWAY,
Clerk of the Board.

STATE OF MICHIGAN, }
County of Emmet. } ss.

I, Albert L. Hathaway, clerk of said county, and clerk of the board of supervisors, do hereby certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, organizing the township of "Egleston," now remaining of record in my office, and of the whole of said order.

In testimony whereof I have hereunto set my hand and
[L. s.] affixed the seal of said county, at the village of Harbor Springs, this 27th day of March, 1884.

ALBERT L. HATHAWAY, *Clerk.*

GLADWIN COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Gladwin by Joseph Horsnal, Thomas Hall, S. P. Sherman, Truman Arnot, Marshal Robinson, Francis Burket, Leonard Coffell, Ira Babcock, E. C. Diffin, Joseph Long, George Cunningham, George Blainly, and John Greer, all of whom are freeholders and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof, that the said application ought to be granted, therefore it is ordered and determined by the said board that the said territory described as follows, to wit: Congressional townships twenty north, of ranges one and two west, be and the same are hereby erected and organized into a new township to be called and known as the township of Butman; that the first annual township meeting therein shall be held at the school-house in district number six, twenty north, range one west, on Monday, the 2d day of April next, and George Cunningham, L. P. Sherman, and Truman Arnot, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Butman organized.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit: Yeas—Supervisors Clark, Servoss, Plummer, Diffin, and Mathews—5. Nays—none.

STATE OF MICHIGAN, { ss.
County of Gladwin. }

I, Sherman S. Townsend, clerk of said county, do hereby certify that the foregoing and within is a true transcript compared by me with the original now of record in the office of the clerk of said county, as pertains to the organization of the township of Butman, at a meeting of the board of supervisors of said county, held October 8th, A. D. 1883.

In witness whereof I have hereunto set my hand and affixed [L. S.] the seal of said county at the village of Cedar, this 28th day of March, A. D. 1884.

S. S. TOWNSEND, *County Clerk.*

In the matter of the application of certain freeholders for the erection and organization of a new township by a division of Gladwin township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Gladwin by E. C. Diffin, John Wier, John McCormick, Amos Edick, R. M. Edick, John Sholtz, George D. Elthorp, Thomas Keho, Chappell & Kelley, J. K. Humason, John Bellinger, W. H. Cole, A. W. Garbet, John B. Powley, Mathew J. Powley, Joseph Fournier, John B. Bourret, Frank Cardinall, John Lendquest, Aaron Albright, Richard Cardinal, Joseph Josslyn, Leander Bellville, Achwere Bellville, J. K. McMillan, Joseph Raymond, Jerome Raymond, Thomas Couture, and John McGuire. All of above are freeholders and twelve of above reside in each of the townships to be affected thereby for the erection and organization into a new township of the territory hereinafter described and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be affected thereby has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted, therefore, it is ordered and determined by the said board that the territory described as follows, to wit: Township number twenty north, of range one east, and township number twenty north, of range number two east, be and the same is hereby erected and organized into a new township to be called and known as the township of Clement; that the first annual township meeting therein shall be held at the school-house in district number seven, in said territory on Monday, the seventh day of April next, and Joseph Fournier, John Cain, and Aaron Albright, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township may exercise under the laws of this State, and that Joseph Fournier be and is hereby designated as the person who shall post the notices required by law of the first annual meeting of the township of Clement, and also of the place of holding the next annual meeting in Gladwin township, which next annual meeting of said township of Gladwin shall be held at the town hall in said township, on Monday, the seventh day of April, A. D. 1884.

Clement organized.

Adopted by yeas and nays as follows: Yeas—D. H. Servoss, M. T. Mathews, S. S. Clark, R. J. Moore, and S. R. Plummer—5. Nays—none.

STATE OF MICHIGAN, } ss.
County of Gladwin. }

I, Sherman S. Townsend, clerk of said county, do hereby certify that the foregoing and within is a true transcript compared by me with the original now of record in the office of the clerk of said county, as pertains to the organization of the township of Clement,

at a meeting of the board of supervisors of said county, held March 15th, A. D. 1884.

In testimony whereof I have hereunto set my hand and
[L. s.] affixed the seal of said county, at the village of Cedar,
this 28th day of March, A. D. 1884.

S. S. TOWNSEND, *County Clerk.*

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Gladwin by Lucius Ozman, J. A. Voorhees, Samuel Scott, Mosses Wagoner, D. S. Fairchild, David Hunter, Leander Hawley, Fred L. Proctor, A. M. Miller, D. C. Scott, Peter Demis, Jesse Langham, John Midlton, Thomas Bowers, Levie Eldridge, James Spence, S. R. Plummer, and James Colbeck, all of whom are freeholders, and twelve of whom reside in the township to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted, therefore it is ordered and determined by the said board that the territory described as follows, to wit: Congressional township seventeen (17) north, of range one (1) west, Gladwin county, Michigan, be and the same is hereby erected and organized into a new township to be called and known as the township of Tobacco; that the first annual township meeting therein shall be held at the school-house in school district number four, on Monday, the seventh day of April next, and David Hunter, John Voorhees, and Lucius Ozman, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State; and that the sheriff be and he is hereby designated as the person who shall post the notices required by law of the first annual meeting of the township of Tobacco, and also of the place of holding the next annual meeting in Billings township.

Tobacco organized.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit: R. J. Moore, Manuel T. Mathews, D. H. Servoss, S. R. Plummer, and S. S. Clark.

STATE OF MICHIGAN, }
County of Gladwin. } ss.

I, Sherman S. Townsend, clerk of said county, do hereby certify that the foregoing and within is a true transcript, compared by me with the original now of record in the office of clerk of said county,

as pertains to the organization of the township of Tobacco, at a meeting of the board of supervisors of said county, held March 15th, 1884.

In testimony whereof I have hereunto set my hand and [L. S.] affixed the seal of said county, at the village of Cedar, this 28th day of March, A. D. 1884.

S. S. TOWNSEND, *County Clerk.*

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Gladwin, by C. C. Foutch, John McFarlane, James Riley, Charles Clapper, Charles H. Burdick, Joseph Long, James K. Humason, Henry Bartlett, Edward Dassey, Dauson Greer, John Greer, George A. Kingsbury, George Sherman, Patrick Sullivan, and Thomas G. Edick, all of whom are freeholders, and twelve of whom reside in the township to be affected thereby for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such township or townships to be thereby affected has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration that the said application ought to be granted; therefore it is ordered and determined by the said board that the territory described as follows, to wit: Congressional township number nineteen north, of range two west, be and the same is hereby erected and organized into a new township to be called and known as the township of Sage; that the first annual township meeting therein shall be held at the school-house, in district No. 3, of Gladwin, on Monday, 2d day of April next, and Sidney R. Berry, James Riley, and Dauson Greer, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Sage organized.

AND WHEREAS, In accordance with an act of the Legislature of the State of Michigan, viz.: Act No. 27, laws of 1881, as amended, it becomes the duty of this board to designate the place of holding the next annual township meeting in said township of Gladwin, and designate a person to post the required notices; therefore

Resolved, By the board of supervisors of Gladwin county, that school-house in district number one, in the township of Gladwin, be and the same is designated as the place of holding the next annual township meeting of Gladwin, and the sheriff of this county is designated as the person to post the notices required, at least 14 days previous to said meeting, and he is also designated to give the like notices by posting the same in the new township of Sage.

Adopted by yeas and nays, a majority of all the members elected voting therefor to wit:

Yeas—Supervisors Secord, Clark, Mathews, and Freeman—4.
Nays—0.

STATE OF MICHIGAN, {
County of Gladwin. } ss.

I, Sherman S. Townsend, clerk of said county, do hereby certify that the foregoing and within is a true transcript compared by me with the original now of record, in the office of clerk of said county, as pertains to the organization of the township of Sage, at a meeting of the board of supervisors of said county, held October 9th, A. D. 1882.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of said county, at the village of Cedar,
this 28th day of March, A. D. 1884.

S. S. TOWNSEND, *County Clerk.*

GRAND TRAVERSE COUNTY.

At a meeting of the board of supervisors of the county of Grand Traverse, held at the county clerk's office, in Traverse City, on the 10th day of April, 1867. Present: Whitewater, C. T. Scofield; East Bay, J. B. Haviland; Peninsula, Wm. H. Franklin; Traverse, Merritt Bates; Long Lake, Benjamin H. Durga; Grant, Felix C. Hopkins; Homestead, Cadman Johnson; Benzonia, H. E. Steward; Gilmore, -----; Crystal Lake, Amos H. Hollowood; Platte, V. T. Thurston; Almira, M. D. Campbell.

In matter of the petition of William Monroe, and 24 others, praying for the organization of a new township comprising the following territory, to wit: Township 26 north, of range 12 west, and township 26 north, of range 11 west, excepting so much of the same as lies north and east of the Boardman river.

On motion,

Resolved, That a new township be and is hereby organized, comprising all of township 26 north, of range 11 west, and all of township 26 north, of range 12 west, to be known and designated as the township of Blair, and that the first election be held on Saturday, the 27th day of April, 1867, at the house of Timothy R. Stevens, in said township, and that A. E. Wightman, Thomas H. Clyde, and Wm. N. Hess be inspectors of said election; Thos. H. Clyde be appointed to post notices of the same.

Blair organized.

On motion,

Resolved, That this board now adjourn *sine die*. Board adjourned accordingly.

C. T. SCOFIELD, *Chairman.*

JESSE CRAM, *Clerk.*

STATE OF MICHIGAN, }
Grand Traverse County. } ss.

I, O. P. Carver, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of proceedings of board of supervisors for the said county, with reference to the organization of the township of Blair, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and
 [L. s.] affixed the seal of said court at Traverse City, this 27th
 day of April, A. D. 1885.

O. P. CARVER, *Clerk.*

Traverse City, January 1st, 1867.

The board of supervisors of the county of Grand Traverse met at the county clerk's office pursuant to adjournment.

On being called to order by the chairman, a quorum not being present, on motion adjourned till to-morrow (Wednesday) morning at 8 o'clock.

Wednesday Morning, 8 o'clock.

Board met pursuant to adjournment. Present—Whitewater, J. B. Haviland; Peninsula, E. P. Ladd; Traverse, Merritt Bates; Grant, J. W. Spaulding; Homestead, George E. Steele; Benzonia, H. E. Steward; Crystal Lake, John Hunt; Platt, V. T. Thurston; Almira, M. D. Campbell.

Whereupon, A petition was presented for the organization of a new township to be composed of the following territory, to wit: Part town 27 north, range 9 west; part of town 28 north, range 9 west; all of town 27 north, of range 10 west; part of town 28 north, range 10 west, which being strongly remonstrated against, after debate, on motion,

Resolved, That the prayer of the petitioners be granted.

The yeas and nays being called the motion did not prevail.

A compromise was finally made.

On motion,

Resolved, That a township be organized comprising all of town 27 north, range 10 west, and a part of Whitewater along the shore of East Bay, to be known and designated as the township of East Bay; and that the first election be held on the first Monday of April next, at a house belonging to L. Hoxie, Esq., near Hoxie's mill, and that J. B. Haviland, Wm. H. Fife, and Joseph Dobbins be inspectors of said election and that J. B. Haviland post notices thereof in accordance with the statute therein made and provided.

On motion to adjourn it was recommended that the board of supervisors for this county meet at the county clerk's office on the 10th day of April next at 9 o'clock A. M., for the purpose of con-

East Bay organized.

sultation and determining upon a uniform rate of assessing property and of entertaining such other business as may be brought before it. Board adjourned accordingly.

E. P. LADD, *Chairman.*

JESSE GRAM, *Clerk.*

STATE OF MICHIGAN, }
Grand Traverse County, } ss.

I, O. P. Carver, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of proceedings of board of supervisors for said county, with reference to the organization of the township of East Bay, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of said court at Traverse City, this 27th day of April, A. D. 1885.

O. P. CARVER, *Clerk.*

Traverse City, January 1st, 1867.

The board of supervisors of the county of Grand Traverse met at the county clerk's office pursuant to adjournment.

On being called to order by the chairman, a quorum not being present, on motion, adjourned till to-morrow morning (Wednesday) at 8 o'clock.

Wednesday Morning, 8 o'clock.

Board met pursuant to adjournment.

Present—Whitewater, J. B. Haviland; Peninsular, E. P. Ladd; Traverse, Merritt Bates; Grant, J. W. Spaulding; Homestead, George E. Steele; Benzonia, H. E. Steward; Crystal Lake, John Hunt; Platte, V. T. Thurston; Almira, M. D. Campbell.

A petition was presented for the organization of a new township to be composed of the following territory, to-wit: Town 27 north, range 12 west; which being remonstrated against, after debate, on motion,

Resolved, That the prayer of the petitioners be granted; which motion prevailed.

Whereupon, It was ordered that a township be organized, composed of the territory aforesaid, to be known and designated as the township of Long Lake, and that the first meeting be held on the first Monday of April next, at the house of Mr. Shenck, on section 9 in said township, and that Wm. O'Neil, Lorenzo T. Greeno, and Leander Curtis be inspectors of said election, and that Wm. B. Neale post the notices of said meeting in accordance with the provisions of the statutes therein made and provided.

Long Lake
organized.

On motion to adjourn it was recommended that the board of supervisors for this county meet at the county clerk's office on the

10th day of April next, at 9 o'clock A. M., for the purpose of consultation and determining upon a uniform rate of assessing property and of entertaining such other business as may be brought before it. Board adjourned accordingly.

E. P. LADD, *Chairman*.

JESSE CRAM, *Clerk*.

STATE OF MICHIGAN, }
Grand Traverse County. } ss.

I, O. P. Carver, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of proceedings of board of supervisors for said county, with reference to the organization of the township of Long Lake with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and [L. s.] affixed the seal of said court, at Traverse City, this 27th day of April, A. D. 1885.

O. P. CARVER, *Clerk*.

At the annual meeting of the board of supervisors for the county of Grand Traverse, held at the county clerk's office in Traverse City, on Monday, the 14th day of October, 1867.

Board met at 10 o'clock A. M., quorum not being present, adjourned till 1 o'clock P. M.

Board met pursuant to adjournment. Present—Whitewater, C. T. Scofield; East Bay, J. B. Haviland; Peninsula, Wm. H. Franklin; Traverse, —; Long Lake, —; Blair, Thomas H. Clyde; Grant, P. C. Hopkins; North Climax, Downs; Homestead, C. Johnson; Benzonia, H. E. Steward; Gilmore, A. M. Hollywood; Crystal Lake, J. Hunt; Platte, V. T. Thurston; Almira, M. D. Campbell.

Petition presented for the organization of a new township composed of the following territory, to wit; Townships 25 north, of ranges 9, 10, and 11 west, and also the south $\frac{1}{2}$ of townships No. 26 north, of ranges 9 and 10 west, to be known as the township of Mayfield, Grand Traverse county, Michigan.

Mayfield organized.

On motion,

Resolved, That the prayer of the petitioners be granted, and that the first election be held on Tuesday, the 20th day of November next, at the school-house in school district No. 17, in said township, at 10 o'clock in the forenoon, and that Charles P. Downs, Wm. A. Nickerson, and William P. Deyoe be inspectors of said election, and that Wm. A. Nickerson post the notices for the same.

Board adjourned to meet at the county clerk's office on the first Tuesday of January, 1868.

C. T. SCOFIELD, *Chairman*.

JESSE CRAM, *Clerk*.

OF MICHIGAN, {
Traverse County. } ss.

P. Carver, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared foregoing copy of proceedings of board of supervisors of Grand Traverse, with reference to organization of the township of Mayfield, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and
 [L. s.] affixed the seal of said court at Traverse City, this 27th day of April, A. D. 1885.

O. P. CARVER, *Clerk.*

At a meeting of the board of supervisors of the county of Grand Traverse, held at Traverse City on the 14th day of April, 1870, on call, present—Whitewater, J. S. Luce; East Bay, John Pulcifer; Peninsula, R. W. McClellan; Traverse, P. Hannah; Long Lake, J. W. Russell; Blair, H. D. Campbell; Grant, J. W. Spaulding; Mayfield, S. Cronkhite.

A petition signed by A. K. Wynkoop and forty-five others, praying for the organization of a new township, to comprise the following territory, to wit: Town 25 north, range 9 west, town 25 north, range 10 west, south $\frac{1}{2}$ of town 26 north, range 9 west, and south $\frac{1}{2}$ of town 26 north, range 10 west, to be known and designated as the township of Paradise. On motion,

Resolved, That the petition of A. K. Wynkoop and others be granted.

A new township was accordingly organized, comprising the following territory, to wit: Town 25 north, range 9 west, town 25 north, range 10 west, south $\frac{1}{2}$ of town 26 north, range 10 west, south $\frac{1}{2}$ of town 26 north, range 9 west, to be known and designated as the township of Paradise, and ordered that the first meeting of said township be held at the house of Charles Denniston, on section 21, town 26 north, range 10 west, on the first Monday of May next, at 9 o'clock A. M., and further ordered that Wm. F. Denniston, E. G. Kingsley, and George Campbell be inspectors of said election, and that William F. Denniston post notices of the same in accordance with the provisions of the statute in such case made and provided. Board adjourned *sine die*.

Paradise organized.

PERRY HANNAH, *Chairman.*

JESSE CRAM, *Clerk.*

STATE OF MICHIGAN, {
Grand Traverse County. } ss.

I, O. P. Carver, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of proceedings of board of supervisors of said

county, with reference to the organization of the township of Paradise, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and
[L. s.] affixed the seal of said court, at Traverse City, this 27th day of April, A. D. 1885.

O. P. CARVER, *Clerk*.

At the annual session of the board of supervisors for the county of Grand Traverse, and State of Michigan, continued and held at the village of Traverse City, in said county, on the 15th day of October, A. D. 1884. Present: Blair, James H. Monroe; East Bay, John Pulciphier; Fife Lake, Jas. Monteith; Garfield, H. E. Steward; Grant, John S. Horton; Green Lake, Geo. H. Wightman; Long Lake, E. F. Ferris; Mayfield, D. S. Nickerson; Paradise, J. L. Gibbs; Peninsula, Geo. Parmelee; Traverse, H. D. Campbell; Whitewater, J. O. Bloodgood.

Session opened in due form.

ORGANIZATION OF TOWNSHIP OF UNION, GRAND TRAVERSE COUNTY, MICHIGAN.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been made to the board of supervisors of the county of Grand Traverse, by B. S. Shepard, C. M. Hager, John Hager, Edgar F. Newell, A. K. Silvernale, Russell Woodford, Robert McAley, H. H. Alexander, Samuel Carothers, Aaron Post, Warren Sperry, A. M. Carr, Aaron Parsons, M. C. Shepard, M. A. Elliott, C. A. Smith, J. M. Campbell, David Spencer, A. Lyderson, Herman Elliott, H. Boman, Tracy Robinson, S. W. Northrup, E. W. Newell, George D. Parsons, M. Sherman, Vincent Goff, Jr., Alexander Campbell, R. Pierce, J. D. Johnson, James E. Smith, Peter P. Peterson, L. Baker, J. H. Sconover, Armenus Finch, Delbert Finch, James J. Spence, M. Bryant, Wm. M. Hickey, Geo. N. Campbell, Wm. Hickling, J. J. McConkie, O. V. Holmes, Horace Peck, A. D. Leavenworth, Ira Stout, W. S. Chalker, O. D. Nutten, R. Knaggs, A. F. Phillips, H. D. Taber, J. T. Brannen, J. Price, Wm. Wilson, B. L. Smith, John W. Ward, J. A. Conrad, J. S. Hodges, Jr., E. T. Woodruff, A. Drummond, J. M. Anderson, Charles Barnes, Alexander McDonell, Wm. Loop, F. G. Loomis, J. M. Webber, Frank Kiser, L. S. Walter, Levi Emmons, F. D. Calkins, Samuel D. Mills, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve free-

holders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Therefore, it is ordered and determined by the said board, that the territory described as follows, to wit: All of township twenty-six (26) north, of range nine (9) west, in the township of Fife Lake, county of Grand Traverse, and State of Michigan, be and the same is hereby erected and organized into a new township, to be called and known as the township of Union; that the first annual township meeting therein shall be held at the district school-house, located on the northeast corner of section 35, township twenty-six N., R. 9 W., in the county of Grand Traverse, and State of Michigan, on Monday, the sixth day of April next; and Abram K. Silvernale, Charles M. Hager, and Byron S. Shepard, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Union organized.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to wit:

Yeas—James H. Monroe, James Monteith, H. E. Steward, John S. Horton, George H. Wightman, E. F. Ferris, James L. Gibbs, George Parmelee, J. O. Bloodgood—9. Nays—John Pulciphur, D. S. Nickerson, H. D. Campbell—3.

O. P. CARVER,

Clerk of Board.

STATE OF MICHIGAN, }
County of Grand Traverse. } ss.

I, O. P. Carver, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the 15th day of October, in the year 1884, upon the application of B. S. Shepard, and others, for the erection and organization of a new township, now remaining in my office, and of the whole of such original record. And I further certify that the annexed is a true and correct copy of the map presented to said board on said application.

In testimony whereof, I have hereunto subscribed my name,
[L. S.] and affixed the seal of the circuit court for said county,
this 20th day of October, A. D. 1884.

O. P. CARVER, *County Clerk.*

HURON COUNTY.

In the matter of the application of A. H. Burton and eleven others for the erection and organization of a new township, to be called the township of Brookfield.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application as follows, to wit:

Township fifteen (15) north, of range ten (10) east, being bounded on the east by the township of Grant, on the south by the township of Elmwood, on the west by the township of Sebewaing, on the north by the township of Caseville, be and the same is hereby erected into a township to be called and known by the name of township of Brookfield.

Brookfield
organized.

The first annual township meeting thereof shall be held at the residence of A. H. Burton, on the first Monday in April, A. D. 1868, at 9 o'clock A. M., and at said meeting A. H. Burton, R. Clark, and E. Thompson, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting as the law provides.

On motion, the foregoing orders were adopted.

STATE OF MICHIGAN, }
County of Huron. } ss.

I, John Ryan, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board October sixteenth, one thousand eight hundred sixty-seven, with the original now of record in my office, and that it is a true transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court for said county, at
[L. s.] Bad Axe, this twenty-third day of April, in the year one thousand eight hundred and eighty-five.

JOHN RYAN, *County Clerk.*

In the matter of the application of Francis Nash and twenty-two others for the erection and organization of a new township to be called the township of Colfax.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application bounded as follows, to wit:

Commencing on the northwest corner of Verona, thence running west six (6) miles, thence south six (6) miles, thence east six (6) miles, to the southwest corner of Verona, the same constituting township sixteen (16) north, of range twelve (12) east, be and the same is hereby erected into a township to be called and known by the name of the township of Colfax. Colfax organized.

The first annual township meeting thereof shall be held at the house of John Peacock, in said township, on the third day of November, 1868, at 8 o'clock A. M., and at said meeting John Peacock, Francis Nash, and Charles E. Brown, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

On motion the report was accepted and the foregoing order adopted.

STATE OF MICHIGAN, }
County of Huron. } ss.

I, John Ryan, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board October fourteenth, in the year one thousand eight hundred and sixty-eight, with the original now of record in my office, and that it is a true transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court for said county, at
[L. s.] Bad Axe, this twenty-third day of April, in the year one thousand eight hundred and eighty-five.

JOHN RYAN, *County Clerk.*

IOSCO COUNTY.

In the matter of the application of certain freeholders for the detaching of certain territory from the township of Grant, and the organization thereof into a new township to be known as the township of Reno.

WHEREAS, An application has been made to the board of supervisors of the county of Iosco, by Wm. H. Bamberger, V. H. Rodman, B. F. Chappell, E. Chappell, James Merrick, Peter E. Bamberger, John Conover, Patrick Flynn, Samuel S. Bamberger, H. Brown, Barney M. Leng, Thomas Lowe, David Solomon, S. M. Dellebaugh, Ethan H. Thompson, Thomas Cooper, John L. Cooper, William Vance, Aleck Anderson, William Latter, L. V. Belknap, Paul Crego, Seth F. Horton, A. P. Daniels, H. M. Belknap, George C. Ballard, and E. W. Williams, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby for the detaching of the following territory, to-wit: Town 22 north, of range 5 east, from the township of Grant, and the

erection and organization thereof into a new township of Reno, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board, by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be affected thereby, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that said application ought to be granted.

Thereupon, It is ordered and determined by the said board that the said territory, to-wit : Town 22 north, of range 5 east, be and the same is hereby erected and organized into a new township to be known as the township of Reno. That the first annual township meeting therein shall be held at the district school-house, in district number three, in said township, on Monday the sixth day of April next, and Leonard V. Belknap, Squire M. Dillebaugh, and Abner P. Daniels, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to-wit :

Yeas—Supervisors Martin, Staats, Markle, Latham, Cutcheon, Esmond, McIvor, Taylor, Thompson, and Laidlaw. Nays—None. Yeas—10. Nays—0.

STATE OF MICHIGAN, } ss.
County of Iosco.

I, E. E. Williams, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the seventh day of January, in the year A. D. 1885, upon the application of said freeholders for the erection and organization of a new township, now remaining in my office, and the whole of such original record.

In testimony whereof I have hereunto subscribed my name
[L. s.] and affixed the seal of the circuit court this 17th day of
January, A. D. 1885.

E. E. WILLIAMS, *County Clerk.*

KALKASKA COUNTY.

Petition for organization of Glade township, presented to the board of supervisors of Kalkaska county, Michigan, at the annual session of said board, held at the court house in the village of Kalkaska, in said county and State, on the 8th day of October, A. D. 1883.

To the Board of Supervisors of Kalkaska County, Michigan:

We, the undersigned freeholders of township twenty-five (25) north, of range five (5) west, and township twenty-five (25) north, of range eight (8) west, in the county of Kalkaska, hereby respectfully pray that the following described territory to wit: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, in township twenty-five (25) north, of range five (5) west, may be detached from the township of Springfield in the county of Kalkaska, and be formed into a new township to be called the township of Glade, in the county aforesaid.

Glade organized.

And your petitioners herewith present a map of all the townships to be affected by the division prayed for, showing the proposed alterations of said townships. Dated this 3rd day of September, A. D. 1883.

Freeholders of Tp. 25 N., R. 5 W.: Oscar L. Giddings, Lester Woodruff, James Quance, Edward Weaver, Hugh Fletcher, Harvey Laughlin, Samuel Laughlin, John F. Clark, Hanford H. Smith, Oscar J. Smith, John Miller, Eliza C. Sanborn.

Freeholders of Tp. 25 N., R. 8 W.: H. H. Haskin, J. O. Brownell, Wm. E. Clark, George Hayes, P. W. McCrea, S. Gilmore, A. O. Clark, D. S. Ingersoll, Robert Weaver, G. D. Gardner, A. J. Colburn, A. T. Breed.

On motion of Supervisor Greacen, the petition was referred to the committee on towns and counties. The committee were excused and withdrew. On their return they made the following report:

To the Chairman of the Board of Supervisors:

Your committee on towns and counties would respectfully recommend that the petition of the freeholders of Springfield township to organize township twenty-five (25) north, of range five (5) west be granted, and the time for holding the first township election be fixed on the first Monday in April, 1884, at the residence of John F. Clark, on the northeast quarter of section twenty-two (22), township twenty-five (25) north, of range five (5) west, and that the following persons be appointed inspectors of said election, viz: Oscar L. Giddings, Oscar J. Smith, and Samuel Laughlin.

(Signed)

W. H. BOCKES,

JAMES GREACEN.

J. D. DAGLE,

Committee.

On motion, the report was accepted and adopted.

STATE OF MICHIGAN, } ss.
 County of Kalkaska. }

I, C. V. Selkirk, clerk of said county, do hereby certify that the foregoing is a correct transcript of the journal of the board of supervisors of said county, so far as it relates to the proceedings on the petition to organize said township of Glade in said county.

In witness whereof I have hereunto set my hand and affixed
 [L. S.] the seal of said county, at Kalkaska, Mich., this 18th
 day of January, A. D. 1884.

C. V. SELKIRK, *Clerk.*

LEELANAW COUNTY.

Adjourned Term, January, 1885.

At an adjourned meeting of the board of supervisors for Leelanaw county, held at the county clerk's office, in the village of Leland, on Tuesday, the sixth day of January, A. D. 1885, the several townships were represented as follows: Leelanaw, Wm. H. Franklin; Solon, M. C. Cate; Elmwood, A. B. Dunlap; Bingham, Hiram M. Cole; Kasson, A. S. Fritz; Empire, James McCormick; Glen Arbor, Roderick Dunn; Cleveland, Joseph Krubner; Center-ville, Charles Kropp; Leland C. H. Kahrs. Board called to order by M. C. Kate, chairman, at 10 o'clock A. M.

January 7th.

The following petition was presented to the board, viz:

To the Hon. Board of Supervisors of the County of Leelanaw, State of Michigan:

We, the undersigned, freeholders of the township of Bingham and county of Leelanaw, do hereby respectfully pray that the following described territory, to wit: The east $\frac{1}{2}$ of section 25 and lots No. 1, 2, 3, and 4 of section 25, town 30 north, of range 12 west, and the east $\frac{1}{2}$ of section 36 and lots No. 1, 2, 3, and 4 of section 36, town 30 north, of range 12 west, and all of town 30 north, of range 11 west, in Leelanaw county, Michigan, may be detached from the said township of Bingham and be erected and organized into a new township to be called the township of Sutton's Bay, and your petitioners herewith present a map of all the township to be affected by the division prayed for, showing the proposed alteration of said township. Dated this 10th day of December, A. D. 1884. Francis S. Blackman, Samuel Bird, John A. Lee, Hubert Denster, A. B. Dahlmer, Louis Bahle, Ohle Anderson, John Denster, George Steimel, Jr., L. P. Hanson, Joseph Wabeimekee, Martin Grohouskey, Nicholas Steimal, Henry Smidt, Louis Groesser, John Syver-son, Joseph Gangangeshe, John Groesser, Joseph C. Mook, John C. Krieger, John Terheide, Isaac Blackman, Claus Van Glann, Jacob Groesser, Fred Noadageshic, Michael Oberlin, Charley Decker, Moses

Sutton's Bay
 organized.

Keboosaday, Conrad Wiessler, S. C. Darrow, Paul Blackman, W. B. Boon, Orange Mead, James Skibbegosh, Lars Haksted, Samuel Gilland, W. M. Mabert, H. F. McFall, W. S. Fisher, Joseph Hahnenberg, G. W. A. Boston, T. C. Sugart, William E. Cove, Julius Otto, W. M. Hunt, William Gearing, H. Z. Eaton, Charles Pelton, Richard Hurlbut, Frank Akers, Jas. Wilson, O. W. Lewis, S. H. Trude, John M. Akers, Henry Gearing, Edward Gilland, William Cove, Ferdinand Kapnack, Charles Moreo, C. W. Canfield, John Anser, Asa C. Stevens, Frank Palmer, M. B. Boon, Elijah Porter, O. P. Stevens, August Karsten.

We, the undersigned, hereby certify that the foregoing names annexed to the petition are resident freeholders in the township of Bingham, Leelanaw county, and State of Michigan.

HIRAM M. COLE, *Supervisor.*

HUBERT DENSTER, *Clerk.*

The following notice was also presented to the board, viz:

To whom it may concern:

Notice is hereby given by the undersigned freeholders of the township of Bingham, in the county of Leelanaw, that an application will be made to the board of supervisors of said county of Leelanaw at their next meeting, to be held on the sixth day of January, in the year 1885, to erect and provide for the organization of a new township to be called the township of Sutton's Bay, and to embrace the following described territory, to wit: The east $\frac{1}{2}$ of section 25 and lots 1, 2, 3, and 4 of section 25, town 30 north, range 12 west; the east $\frac{1}{2}$ of section 36 and lots 1, 2, 3, and 4 of section 36, town 30 north, range 12 west, and all of town 30 north, of range 11 west, in the county of Leelanaw and State of Michigan.

Dated this 1st day of December, A. D. 1884.

Levi Lindly, Charles Revolt, John Priest, John Strom, Martin Olson, Louis Groesser, John Groesser, Joseph C. Mook, Sr., John Denster, W. S. Johnson, Henry Smidt, Squire Loomis, George Steimel, Jr., J. C. Anderson, Nicholas Steimel, Henry Lutz, H. M. Cole, S. C. Darrow, Richard Hurlbut, T. C. Sugart, A. C. Stevens, S. H. Trude, John G. Anes, Jacob Baier, Reed Miller, William E. Cove, Eleussor Miller, William Cove, William Mabert, Glory Dennis, William Sanburn, Joseph Steimel, John Terheida, Hubert Denster.

County of Leelanaw, }
STATE OF MICHIGAN. } ss.

John Denster, being duly sworn, deposes and says: That on the first day of December, A. D. 1884, he posted up true copies of the annexed notice in five of the most public places in the township named therein or to be affected thereby as follows, to wit: One on the school-house door of district No. 6, in Pshabytown; one at the store of H. & J. Denster, of Sutton's Bay; one at the school-house of district No. 5; one at the store of W. S. Johnson, of Sutton's Bay; one at J. C. Anderson's, of Sutton's Bay, and further this deponent says not.

JOHN DENSTER.

Subscribed and sworn to this third day of January, A. D. 1885,
before me,

H. M. COLE, *Justice of the Peace.*

County of Leelanaw, }
STATE OF MICHIGAN. } ss.

H. M. Cole, being duly sworn, deposes and says: That he caused a copy of the above notice to be published in the Leelanaw Enterprise, a newspaper printed in the said county of Leelanaw, once in each week for four successive weeks, immediately preceding the day therein specified as the time when the application therein mentioned would be made to the board of supervisors.

H. M. COLE.

Subscribed and sworn to this seventh day of January, A. D. 1885,
before me,

A. JOHN, *Notary Public.*

Moved that the prayer of the petition be granted, and that a township to be called Sutton's Bay be and the same is hereby erected, and to consist of the following territory, viz: The east $\frac{1}{2}$ of section 25 and lots 1, 2, 3, and 4 of section 25, town 30 north, of range 12 west; the east $\frac{1}{2}$ of section 36 and lots 1, 2, 3, and 4 of section 36, town 30 north, of range 12 west, and all of town 30 north, of range 11 west, in the county of Leelanaw and State of Michigan. Ayes and nays called and taken, motion prevailed unanimously.

On motion, Herman Mork as chairman, Peter Goldsmith and Joseph C. Mook, Sr., were appointed as inspectors to preside at the first annual township meeting in the township to be called Sutton's Bay, to be held in the village of Sutton's Bay on the first Monday in April, A. D. 1885.

On motion, voted, that the next annual township meeting of the township of Bingham, be held at the school-house in school district No. 4, in said township of Bingham, on the first Monday in April, A. D. 1885, and that H. M. Cole be designated to post the proper notices required by law, relative to elections in such cases, in both of said townships.

STATE OF MICHIGAN, }
County of Leelanaw. } ss.

I, A. John, deputy clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of proceedings and resolutions adopted by said board January seventh, eighteen hundred and eighty-five, with the original now of record in my office, and that the same is a true transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand and affixed
[L. S.] the seal of the circuit court for said county, at Leland,
January 13th, one thousand eight hundred and eighty-five.

NEWAYGO COUNTY.

REPORT OF THE COMMITTEE IN THE MATTER OF ORGANIZING THE
NEW TOWNSHIP OF HOME.

In the matter of organizing the new township of Home, Mr. Duffy, chairman of the committee of township organization, submitted this report :

To the Honorable Board of Supervisors of the county of Newaygo :

Your committee to whom was referred the matter of the organization of the new township of Home, would most respectfully report that they have examined the map, application and affidavits thereunto attached, and they find all of said papers in due form and in compliance with the law, and in view of these facts they respectfully recommend to the board the passage of the following order :

WHEREAS, The application has been duly made by Elias Elwell, Duncan Beaton, Christopher H. Britton, John M. Jackson, James M. Dutcher, Orlando J. Elwell, Mortimer Soper, Walter L. Whipple, Wm. M. Whipple, Truman R. Inman, Thomas J. O'Neil, Milton Jackson, Geo. Chapman, Luther Whipple, Joshua G. Childs, Hiland J. Elwell, Fred Foss, Philo Bowerman, Jaret Dingman, James S. Binler, James Richardson, Thomas Dingman, James Dingman, John Streit, Elmer M. Hamlin, Stephen V. Davis, H. H. Jenkins, Homer Stevens, all of whom are freeholders, and fourteen of whom are residents in each of the townships to be affected thereby, for the erection and organization of a new township of the territory hereinafter described, and said board having been furnished with a map of the townships to be affected thereby, and it appearing to said board by due proof that notice of such intended application in writing, and signed by at least twelve freeholders of each of the townships to be affected thereby has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon due consideration thereof that the said application ought to be granted. Therefore, it is ordered and determined by said board that the territory described as follows, to wit: Township No. 16 north, of range No. 12 west, and the east one-half of township 16 north of range No. 13 west, be and the same is hereby erected and organized into a new township to be called the township of Home, and that the first township meeting to be held at the Jackson school-house (so called) on the first Monday of April, A. D. 1884, and that Milton Jackson, Geo. Chapman, and Duncan Beaton, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said township meeting, appoint a clerk, open and keep the polls, and to exercise the same powers and discharge the same duties as may be exercised and discharged by the inspectors of any township meeting held under the laws of this State.

Home organized.

And it is further ordered and directed that the next annual township meeting in the township of Monroe shall be held in a building in the village of Woodville, in said township, and belonging to the West Michigan Lumber Company, and known as the men's sitting

room. And it is further ordered and directed that Samuel Hart, Geo. J. Ambrose, and James Corsaut, be and they are hereby appointed to serve as inspectors of election in said township of Monroe at the next annual township meeting to be held in such township on the first Monday of April next. All of which is respectfully submitted.

JAMES DUFFY, }
 SAM'L HART, } *Committee.*
 A. G. MEADE, }

Mr. Anderson moved that the report be accepted and committee discharged, which motion prevailed.

Mr. Meade then moved that the order recited in the above report be adopted, which motion prevailed by yeas and nays as follows:

Ayes—Anderson, Basford, Candee, Cole, Duffy, Fenton, Glanville, Hart, Headley, Meade, Neal, Ohrenberger, Russell, Squires, Trask, Walker, Watters, Wright, and chairman. Nays—None.

STATE OF MICHIGAN, }
 County of Newaygo. } ss.

I, Seth S. Watrous, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of the report of committee on the organization of the township of Home, and of preamble and resolution adopted by said board on the 9th day of January, A. D. 1884, with the original now of record in my office, and that it is a true transcript therefrom and the whole of such original.

In testimony whereof I have hereunto set my hand and [L.S.] affixed the seal of the circuit court for the county of Newaygo, at the village of Newaygo, this 16th day of February, A. D. 1884.

SETH S. WATROUS, *County Clerk.*

OGEMAW COUNTY.

In the matter of the application of certain freeholders, for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Ogemaw, by James O'Connor, John O'Connor, A. L. Cumming, Joseph Ranger, Julien Sansey, John Lynes, Robert M. Bell, David Hammond, Harry Power, C. H. Pierce, Frank Morrison, Lawrence Schiestel, John Lehman, Henry Hamacher, E. C. Hill, John Curry, and Henry Craft, all of whom are freeholders, and twelve of whom reside in the township to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that

notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be affected thereby, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted;

Thereupon, It is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-three (23) north, of range four (4) east, be and the same is hereby erected and organized into a new township, to be called and known as the township of Hill; that the first annual township meeting therein shall be held at the house of John O'Connor, in said township of Hill, on Monday, the third day of April next, and John O'Connor, John Curry and John Lynes, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as inspectors of any township meeting may exercise under the law of this State. Hill organized.

Adopted by yeas and nays, a majority of all members elected voting therefor:

Yeas—Thomas J. Stottle, Jr., John H. Smith, Henry W. Diamond, Benjamin C. Gunn, Hiram Hodge, Archibald L. Cumming, William H. Connor, Edward A. Hildreth, Joseph R. Loughry, Louis H. Tovatt, and Frank A. Pierce. Nays—None.

STATE OF MICHIGAN, }
County of Ogemaw. } ss.

I, Fred M. Briggs, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the attached copy of the action of the board of supervisors of said county in the organization of the township of Hill in said county, on the 12th day of October, A. D. 1883, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and [L. s.] affixed the seal of said court, at West Branch, this 16th day of November, A. D. 1883.

FRED. M. BRIGGS, *County Clerk*.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Ogemaw, by Frank A. Pierce, Milton Whitman, E. Delano, J. Dinsmore, J. F. Williams, G. W. Peterson, M. M. Peterson, B. D. Peterson, R. H. Cronk, Thos. McCormack, T. M. Vanallen, Henry Tucker, and Joseph Burlingame, all of whom are freeholders and reside in the township affected thereby,

for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be thereby affected has been duly posted up and published, in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the said application ought to be granted.

I therefore, It is ordered and determined by the said board that the territory described as follows, to-wit: Township twenty-one (21) north, of range three (3) east, being now a part of the township of Richland in said county of Ogemaw, be and the same is hereby erected and organized into a new township to be called and known as the township of Mills.

That the first annual township meeting therein shall be held at the dwelling house of Milton Whitman, on Monday, the 7th day of April next, and Milton Whitman, Ezra Delano, and James Williams, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same power as the inspectors of any township meeting may exercise under the laws of the State.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to-wit:

Yeas—Tovatt, Stottle, Gunn, Loughry, Hill, Hodge, Hildreth, Connor, Smith, and Diamond. Nays—None.

STATE OF MICHIGAN, }
County of Ogemaw. } ss.

I, Thomas W. Ballantine, deputy clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board on the 9th day of January, 1884, with the original now on record in my office, and that it is a true transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and [L. s.] affixed the seal of the circuit court for said county at West Branch, this 14th day of January, A. D. eighteen hundred and eighty-four.

(Signed), THOMAS W. BALLANTINE,
Deputy County Clerk, Ogemaw Co.

ONTONAGON COUNTY.

At a special meeting of the board of supervisors of the county of Ontonagon, held at the county clerk's office on Friday, the 25th day of September, A. D. 1885, the following preamble and resolution were presented by Supervisor Chynoweth and adopted:

WHEREAS, An application has been duly made to the board of

supervisors of the county of Ontonagon, by A. L. Sanberg, L. S. Rice, P. Ehrmann-treaut, C. D. Fournier, O. H. Nickleson, Charles Chynoweth, F. Provinske, J. M. Meagher, F. F. Jeffres, William Rice, Frank Hibbing, Daniel Beaser, A. M. Powers, James Mercer, F. E. Adams, F. Van Schaick, R. A. Parker, A. G. Ferguson, J. J. Gray, Asa A. Parker, Thos. H. Emmons, Wm. M. Hill, C. G. Couins, and Chas. A. Parker, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the said application ought to be granted,

Thereupon, It is ordered and determined by the said board, that the territory described as follows, to wit: All of fractional township forty-eight (48) north, of range forty-nine (49) west; all of fractional townships forty-seven (47) and forty-eight (48) north, of range forty-eight (48) west; all of township forty-eight (48) and fractional townships forty-six (46) and forty-seven (47) north, of range forty-seven (47) west; all of townships forty-six (46), forty-seven (47), and forty-eight (48), and fractional township forty-five (45) north, of range forty-six (46) west; all of townships forty-six (46), forty-seven (47), and forty-eight (48), and fractional township forty-five (45) north, of range forty-five (45) west; all of townships forty-six (46), forty-seven (47), and forty-eight (48), and fractional township forty-five (45) north, of range forty-four (44) west, all of said territory above described now lying and being within and constituting a part of the township of Carp Lake, in said county of Ontonagon; and the following described territory, to wit: All of townships forty-six (46), forty-seven (47), and forty-eight (48), and fractional townships forty-four (44) and forty-five (45) north, of range forty-three (43) west; and all of townships forty-five (45), forty-six (46), forty-seven (47), and forty-eight (48), and fractional township forty-four (44) north, of range forty-two (42) west, all of said territory last above described now lying and being within and constituting a part of the township of Ontonagon, in said county of Ontonagon, be and the same is hereby erected and organized into a new territory to be called and known as the township of "Bessemer," that the first annual township meeting therein shall be held at the hotel building, known as the "Colby House," in the village of Bessemer, in said township of Bessemer, on Wednesday, the fourteenth day of October, next; Frank Hibbing, Joseph Munhall, and John F. Chynoweth, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the law of this State.

Bessemer
organized.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to wit: Yeas—Messrs. B. F. Chynoweth, Thos. H. Emmons, Daniel Beaser, and Wm. Rough. Nays—None.

STATE OF MICHIGAN, }
County of Ontonagon. } ss.

I, M. A. Powers, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original of the proceedings of the board of supervisors of said county, on the twenty-fifth day of September, in the year one thousand eight hundred and eighty-five, upon the application of A. L. Sandberg and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record. And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
[L. S and affixed the seal of the circuit court for said county,
 this twenty-sixth day of September, A. D. 1885.

M. A. POWERS, *Clerk.*

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